

ARKANSAS CODE
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ANNOTATED

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ARKANSAS CODE OF 1987 ANNOTATED



VOLUME 14A 2010 Replacement TITLE 16: PRACTICE, PROCEDURE, AND COURTS (CHAPTERS 1-17)

Prepared by the Editorial Staff of the Publisher

Under the Direction and Supervision of the
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Arkansas Advance Reports through 2010 Ark. LEXIS 82 (February 4, 2010) and 2010 Ark. App. LEXIS 167 (February 17, 2010).

Federal Supplement through February 10, 2010.

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United States Supreme Court Reports through February 10, 2010.

Bankruptcy Reporter through February 10, 2010.

Arkansas Law Notes through the 2008 Edition.

Arkansas Law Review through Volume 61, p. 787.

University of Arkansas at Little Rock Law Review through Volume 30, p. 267.

A.L.R. 6th through Volume 17, p. 757.

ALR Fed. 2d through Volume 26, p. 381.

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User's Guide

Differences in language, subsection order, punctuation, and other variations in the statute text from legislative acts, supplement pamphlets, and previous versions of the bound volume, are editorial changes made at the direction of the Arkansas Code Revision Commission pursuant to the authority granted in § 1-2-303.

Many of the Arkansas Code's research aids, as well as its organization and other features, are described in the User's Guide, which appears near the beginning of the bound Volume 1 of the Code.

TITLE 16

PRACTICE, PROCEDURE, AND COURTS

(CHAPTERS 18-54 IN VOLUME 14B; CHAPTERS 55-89 IN
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- 16-2-101. Methods of administration.
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SECTION.

- 16-2-103. Perjury.
- 16-2-104. Persons in armed services.

Cross References. Affirmation in lieu of oath, § 16-55-120.

Definition of "oath," § 5-53-101.

Effective Dates. Acts 1945, No. 19, § 3: approved Feb. 6, 1945. Emergency clause provided: "It is hereby found as a fact that members of the armed services of the United States of America may acknowledge conveyances before commissioned officers of any branch of said armed services, regardless of the amount of any money or value of the property involved,

yet they cannot verify a pleading or make oath to an affidavit before such an officer; that this condition results in hardship to and discrimination against the members of the armed services of the United States of America, especially those in foreign fields; that this act is necessary for the preservation of the public peace, health and safety; and that, therefore, this act shall take effect and be in force upon, from and after its passage."

RESEARCH REFERENCES

ALR. Failure to swear or irregularity in swearing witnesses appearing before grand jury as ground for dismissal of indictment. 23 A.L.R.4th 154.

Am. Jur. 58 Am. Jur. 2d, Oath and Affirmation, § 1 et seq.

Ark. L. Rev. Theory of Testimonial Competency and Privilege, 4 Ark. L. Rev. 377.

Witnesses, 27 Ark. L. Rev. 229.

C.J.S. 67 C.J.S., Oaths and Affirmations, § 1 et seq.

16-2-101. Methods of administration.

(a) The usual mode of administering oaths practiced by the person who swears, laying his or her hand on and kissing the Gospels, shall be observed in all cases in which an oath is or may be required by law to be administered, except as otherwise provided in this chapter.

(b) Every person who shall desire it shall be permitted to swear with an uplifted hand in the following form: "You do solemnly swear, etc."

(c) Every person who shall declare that he or she has conscientious scruples against taking an oath or swearing in any form shall be permitted to make his or her solemn declaration or affirmation in the following form: "You do solemnly and truly declare and affirm".

(d) Whenever the court or magistrate by whom any person is about to be sworn, shall be satisfied that the person has any peculiar mode of swearing connected with or in addition to any of the forms mentioned in this section, which mode is more solemn and obligatory in the opinion of the person, the court or magistrate may adopt that mode of swearing.

(e) Every person believing in any religion other than the Christian religion shall be sworn according to the peculiar ceremonies of his or her religion, if there are any such ceremonies, instead of any of the other modes prescribed in this section.

History. Rev. Stat., ch. 105, §§ 1-5; C. §§ 5185-5189; A.S.A. 1947, §§ 40-101 — & M. Dig., §§ 4175-4179; Pope's Dig., 40-105.

CASE NOTES

Affidavit.

This section does not prescribe the only method of administering oaths. Signing an affidavit for the purpose of swearing to it may be sufficient to justify a finding that the party was sworn. *Cox v. State*, 164 Ark. 126, 261 S.W. 303 (1924).

Where affidavit supporting search warrant stated on its face that it was subscribed and sworn to before municipal judge and the judge testified that he questioned the witness about the contents of the affidavit, asked if the statements

therein were true, and had witness sign in his presence, it was unimportant that the judge did not require the witness to raise his right hand and state orally that the statements in the affidavit were "the truth, the whole truth, and nothing but the truth, so help me God," and the affidavit was properly sworn to under oath. *Wilson v. State*, 10 Ark. App. 176, 662 S.W.2d 204 (1983).

Cited: *Thomas v. Hawkins*, 217 Ark. 787, 233 S.W.2d 247 (1950).

16-2-102. Officials who may administer.

Every court and judge, including former judges of courts of record who served at least four (4) years, justices and clerks thereof, and all justices of the peace, shall have the power to administer oaths and affirmations to witnesses and others concerning any thing or proceeding pending before them.

History. Rev. Stat., ch. 105, § 9; C. & M. Dig., § 4180; Pope's Dig., § 5190; Acts 1983, No. 850, § 4; A.S.A. 1947, § 40-106.

16-2-103. Perjury.

In all cases in which an oath is required or authorized by law, it may be taken in any of the forms prescribed in this chapter. Every person swearing, affirming, or declaring in any such form, or any form authorized by law, shall be deemed to have been lawfully sworn and to be guilty of perjury for corruptly and falsely swearing, affirming, or declaring, in the same manner as if he or she had sworn by laying his or her hand on the Gospels and kissing them.

History. Rev. Stat., ch. 105, § 10; C. & M. Dig., § 4181; Pope's Dig., § 5191; A.S.A. 1947, § 40-107.

16-2-104. Persons in armed services.

(a) Any person in any branch of the armed services of the United States of America may make oath to any affidavit before any commissioned officer of any branch of the services, and the certificate of the officer before whom the oath may be made shall be proof of the making of the oath.

(b) The officer shall show in his or her certificate his or her rank, the branch of service in which he or she is an officer, his or her outfit, and, if and when permissible, the place where the oath was made.

History. Acts 1945, No. 19, § 1; A.S.A. 1947, § 40-108.

CHAPTER 3

LEGAL NOTICES AND ADVERTISEMENTS

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| 16-3-101. Publication of required advertisements generally. | Newspapers of general circulation. |
| 16-3-102. Time advertisement to run. | 16-3-107. Authorized publications — |
| 16-3-103. Payment and rates. | Weekly newspapers of patriotic organizations. |
| 16-3-104. Proof of publication. | 16-3-108. Authorized publications — |
| 16-3-105. Authorized publications — Legal newspapers. | Trade journals. |
| 16-3-106. Authorized publications — | |

Cross References. Publication of laws, reports, etc., § 1-3-101 et seq.

Effective Dates. Acts 1891, No. 157, § 9: effective on passage.

Acts 1893, No. 181, § 3: effective on passage.

Acts 1899, No. 189, § 3: effective on passage.

Acts 1929, No. 92, § 3: Mar. 7, 1929.

Acts 1931, No. 32, § 3: approved Feb. 17, 1931. Emergency clause provided: "This act being for the immediate preservation of the public health, peace and safety, an emergency is declared and it is ordered that it be in force and take effect from and after its passage."

Acts 1933, No. 66, § 3: approved Mar. 2, 1933. Emergency clause provided: "It is ascertained and hereby declared that the fees for the publication of legal notices and advertisements and advertisements of delinquent tax sales are unreasonably high, the payment of which works a hardship on large numbers of the citizens of this State, and an emergency is therefore hereby declared to exist and in order to immediately protect the public health, peace and safety, this act shall go into effect from and after its passage."

Acts 1937, No. 169, § 2: effective on passage.

Acts 1937, No. 263, § 4: Mar. 17, 1937. Emergency clause provided: "Because of the frequent questions arising in the minds of the public of the proper publication in which to place legal advertising, this act is necessary for the immediate preservation of the public peace, health and safety and shall take effect and be in force from and after its passage and approval."

Acts 1943, No. 57, § 3: effective on passage.

Acts 1979, No. 18, § 4: Jan. 30, 1979. Emergency clause provided: "It is hereby found and determined by the General Assembly that the requirement that legal notices must be published in newspapers published in the applicable town or county has resulted in an undue burden being placed upon persons attempting to comply with such acts due to the lack of newspapers being published in such towns and counties, and that this Act is necessary to immediately remedy this inequity. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall take effect and be in force from the date of its approval."

Acts 1988 (3rd Ex. Sess.), No. 34, § 3: Feb. 19, 1988. Emergency clause provided: "It is hereby found and determined by the General Assembly that when a legal newspaper surrenders its second-class mailing privilege and is subsequently sold, it is unclear as to what requirements must be met by the resulting newspaper in order to become a legal newspaper; that this Act clarifies the law in this respect; that until this act becomes effective the legal newspaper status of some successor newspapers will be in doubt; and that this Act should become effective immediately in order to eliminate the confusion as soon as possible. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the peace, health and safety shall be in full force and effect from and after its passage and approval."

RESEARCH REFERENCES

ALR. General circulation newspaper, what constitutes within meaning of state statutes requiring publication of official notices and the like in such newspaper. 24 A.L.R.4th 822.

Am. Jur. 58 Am. Jur. 2d, Notice, § 1 et seq.

58 Am. Jur. 2d, Newsp., § 33 et seq.

C.J.S. 66 C.J.S., Notice, § 1 et seq.

66 C.J.S., Newsp., § 8 et seq.

16-3-101. Publication of required advertisements generally.

(a) All advertisements and orders of publication required by law or order of any court, or in conformity with any deed of trust, or real estate

mortgage, or chattel mortgage where the amount therein received exceeds the sum of three hundred fifty dollars (\$350), or power of attorney or administrators' notices, to be made, shall be published in at least one (1) newspaper published and having a bona fide circulation in the county in which the proceedings are had, to which the advertisement or order of publication shall pertain.

(b) If there is no newspaper published in the county, then publication shall be made by posting five (5) written or printed notices in five (5) of the most public places in the county.

(c) If there is more than one (1) legal newspaper in a county, publication may be made in each newspaper.

(d)(1) As to amounts under three hundred fifty dollars (\$350), written or printed notices may be posted in five (5) conspicuous places in the county.

(2) Notice shall be served in all cases upon the debtor as summons are served.

(e) This section shall not apply to warning orders governed by Rule 4(f) of the Arkansas Rules of Civil Procedure.

History. Acts 1891, No. 157, § 4, p. 269; 1893, No. 181, § 1, p. 329; 1899, No. 189, § 1, p. 333; C. & M. Dig., § 6807; Pope's Dig., § 8776; Acts 1969, No. 116, § 4; A.S.A. 1947, § 15-101; Acts 2003, No. 1185, § 37.

CASE NOTES

ANALYSIS

Authorized Newspaper.

Compliance Presumed.

Contracts.

Discretion of Court.

Irregularities Cured.

Sufficiency of Notice.

Authorized Newspaper.

The test whether a publication may be classed as a newspaper authorized to publish legal notices is whether the publication regularly carries a record of events of general interest to the public as a whole. *Williamson v. Nixon*, 187 Ark. 762, 62 S.W.2d 24 (1933).

A daily publication specializing in news relating to the courts and business transactions, having a yearly subscription rate, and carrying news of events of general public nature is a "newspaper" authorized to print legal advertisements. *Williamson v. Nixon*, 187 Ark. 762, 62 S.W.2d 24 (1933).

Compliance Presumed.

Where the record recited that notice was given in the manner prescribed by

law, the presumption, in the absence of proof to the contrary, is that there has been compliance with this section. *Smith v. First Nat'l Bank*, 119 Ark. 235, 177 S.W. 895 (1915).

Contracts.

This section does not prohibit parties from contracting in regard to the manner of advertising mortgaged property for sale in case of default in payment of the debt. *Clark v. Wommack*, 192 Ark. 895, 95 S.W.2d 891 (1936).

Discretion of Court.

The time and place and notice of sale under this section are within the discretion of the trial court. *Brown v. Merchants & Planters Bank & Trust Co.*, 202 Ark. 684, 152 S.W.2d 548 (1941).

Irregularities Cured.

After confirmation of sale, any irregularities of notice will be cured. *Carpenter v. Zarbuck*, 74 Ark. 474, 86 S.W. 299 (1905); *Simmons v. A.C. Carter & Co.*, 125 Ark. 547, 189 S.W. 176 (1916).

Sufficiency of Notice.

Where a county has two judicial districts, a tax sale will be held invalid when

the land lies in one judicial district and is advertised for sale in a newspaper published in the other judicial district. *Wolf & Bailey v. Phillips*, 107 Ark. 374, 155 S.W. 924 (1913).

Where a deed of trust given upon land was less than \$300, in a proceeding to foreclose, the requirements were met by the trustee where he gave notice by publication in a newspaper only. *Wilkinson v. Hudspeth*, 134 Ark. 132, 203 S.W. 263 (1918).

Foreclosure sale under deed of trust held void for the reason that no service was had upon the debtor as required by subsection (e) (now subdivision (d)(2)) of this section. *Hunt v. Boyce*, 176 Ark. 303, 3 S.W.2d 342 (1928).

Cited: *Yell County v. Wills*, 83 Ark. 229, 103 S.W. 618 (1907); *Gleason v. Boone*, 123 Ark. 523, 185 S.W. 1093 (1916).

16-3-102. Time advertisement to run.

(a) When any legal advertisement or notice is required by law to be published and no definite time is given for it to run, it shall be construed to mean for one (1) week.

(b) When a definite time is specified, it shall be construed to mean once a week during the time so specified, except that when a definite time is specified for publication of constitutional amendments proposed by the General Assembly, it shall be construed to mean publication in four (4) weekly issues of some newspaper in each county as is provided by law.

History. Acts 1891, No. 157, § 6, p. 269; 1893, No. 181, § 2, p. 329; C. & M. Dig., § 6809; Pope's Dig., § 8785; Acts 1969, No. 116, § 5; A.S.A. 1947, § 15-106; Acts 1991, No. 798, § 2.

CASE NOTES

ANALYSIS

Applicability.

Initiative Measures.

Applicability.

This section is general in its nature and operates upon the publication of notices under subsequent acts which come within its terms. *Pope v. City of Nashville*, 131 Ark. 429, 199 S.W. 101 (1917).

Initiative Measures.

Publication of initiative measures affecting local or county government is governed by the general law as to legal notices, and a local petition published in conformity therewith is sufficient. *Reeves v. Smith*, 190 Ark. 213, 78 S.W.2d 72 (1935).

Cited: *Harrison Elec. Co. v. Citizens' Ice & Storage Co.*, 149 Ark. 502, 232 S.W. 932 (1921).

16-3-103. Payment and rates.

(a)(1) When any notice or advertisement relating to any cause, matter, or thing in any court of record shall be required by law or the order of any court to be published, the notice or advertisement, when duly published, shall be paid for by the party at whose instance it was published. This payment, or so much thereof as is deemed reasonable, may be taxed as other costs otherwise allowed by the proper courts in the course of the proceedings to which the advertisement relates.

(2) Where there is more than one (1) newspaper published in any county, the advertisement shall be made in the newspaper designated by the attorney for the party causing the advertisement to be made.

(b) When any advertisement shall be made by a public officer thereunto authorized by law, the reasonable expense for advertising shall be allowed and paid out of the state or county treasury as other demands and charges of a like nature are allowed and paid.

(c) When a publication of a legal notice of any kind is allowed or required by law, except real property and personal property delinquent tax rates, a newspaper publishing the notice shall charge and receive not more than its regular classified advertising rate for publication.

History. Acts 1891, No. 157, §§ 1-3, p. 269; C. & M. Dig., §§ 6803-6805; Acts 1929, No. 92, § 1; 1933, No. 66, § 1; 1937, No. 169, § 1; Pope's Dig., §§ 8772-8774; Acts 1947, No. 123, § 1; 1955, No. 60, § 1; 1969, No. 116, § 1; 1977, No. 547, § 1; A.S.A. 1947, §§ 15-102 — 15-104.

RESEARCH REFERENCES

Ark. L. Rev. Rates for Legal Advertisements, 9 Ark. L. Rev. 394.

CASE NOTES

ANALYSIS

Liability for Fees.
Rates.

Liability for Fees.

Delivery by the circuit clerk of legal notices to the newspaper to be published as required by law did not make the clerk

personally liable for the publisher's fees. *Eddins v. Williams*, 161 Ark. 226, 255 S.W. 868 (1923).

Rates.

In absence of stipulation to the contrary, publisher is entitled to charge the maximum rates. *Reed v. Doniphan Lumber Co.*, 91 Ark. 303, 121 S.W. 275 (1909).

16-3-104. Proof of publication.

(a) When any notice or advertisement shall be required by law or the order of any court to be published in any newspaper or made in conformity with any mortgage, deed of trust, power of attorney, or administrator's notice, the affidavit of the editor, proprietor, manager, or chief accountant, with a copy of the advertisement annexed, stating the number of times and the date of the papers in which the advertisement was published, shall be sufficient evidence of publication.

(b) If the notice is given by five (5) written or printed notices, according to the provisions of § 16-3-101, then the affidavit of the party giving the notice, properly verified before some officer authorized to administer oaths and showing the time and manner of giving the notice, shall be sufficient evidence of publication.

(c) No editor, proprietor, manager, or chief accountant shall be required to make the affidavit until his or her legal fee is paid.

History. Acts 1891, No. 157, § 5, p. 269; 1899, No. 189, § 2, p. 333; C. & M. Dig., § 6808; Pope's Dig., § 8784; A.S.A. 1947, § 15-105.

CASE NOTES

ANALYSIS

Affidavits.
Amendment of Proof.
Certified Copies.
Compliance.

Affidavits.

An affidavit so worded that the affiant swore only to the date and insertion of the publication, and merely stated his connection with the newspaper and its circulation, was defective. *Baker v. York*, 65 Ark. 142, 45 S.W. 57 (1898).

Affidavit made by an accountant, but not by the chief accountant, was defective in that it did not comply with this section. *Miller County v. Gazola*, 65 Ark. 353, 46 S.W. 423 (1898).

Although an affidavit is sufficient evidence under this section, an affidavit is not the exclusive evidence. *Whitford v. Whitford*, 100 Ark. 63, 139 S.W. 653 (1911); *Allen v. Allen*, 126 Ark. 164, 189 S.W. 841 (1916); *Straughan v. Bennett*, 153 Ark. 254, 240 S.W. 30 (1922); *Mahan v. Wilson*, 169 Ark. 117, 273 S.W. 383 (1925).

Amendment of Proof.

An amendment correcting proof of publication of a warning order to obtain constructive service on nonresident defendants can be filed after judgment. *Blackwell Oil & Gas Co. v. Maddux*, 181 Ark. 726, 27 S.W.2d 514 (1930).

Certified Copies.

In suit to confirm tax title, it was proper for court to admit in evidence a certified copy of the publication of the delinquent lands. *Stout v. Healey*, 216 Ark. 821, 228 S.W.2d 45 (1950).

Compliance.

Proof of publication of notice of sale held to be in substantial compliance with this section, and, if not, would be cured by confirmation. *Christopher v. Wasson*, 198 Ark. 297, 128 S.W.2d 1012 (1939).

Cited: *Covington v. Berry*, 76 Ark. 460, 88 S.W. 1005 (1905); *Hildreth v. Taylor*, 117 Ark. 465, 175 S.W. 40 (1915); *Clarke v. Federal Land Bank*, 197 Ark. 1094, 126 S.W.2d 601 (1939).

16-3-105. Authorized publications — Legal newspapers.

(a) As used in this section, "legal newspaper" means a publication bearing a fixed title or name, published at a fixed place of business, regularly issued at fixed intervals as frequently as one (1) time each week and having a second-class mailing privilege, and being not less than four (4) pages of five (5) columns each.

(b) The primary function of such a publication shall be to inform, instruct, enlighten, and entertain, and to be an intangible service to which the general public as a whole resorts for intelligence of passing events of a political, religious, commercial, or social nature, for local and general current happenings, editorial comment, announcements, miscellaneous reading matter, advertisements, and other notices.

(c)(1) For a newspaper to be eligible to publish legal notices and to be classified as a legal newspaper, it shall have been published at regular intervals continuously during a period of at least twelve (12) months, following the securing of a second-class mailing privilege, or as a direct legal successor of such a publication issued during the immediate prior period of at least twelve (12) months, or, in the case of a legal newspaper which surrenders its second-class mailing privilege and is subsequently sold, the resulting newspaper under new ownership is a legal newspa-

per if the purchased newspaper had been a legal newspaper within twelve (12) months prior to its sale. The newspaper shall be circulated and distributed from an established place of business to subscribers and readers generally of all classes in the county or counties in which it is circulated for a definite price or consideration for each copy or at a fixed price per annum, which price or consideration shall be fixed by the publisher at what he or she considers the value of the publication based upon the news value and service value it contains and not upon the physical or concrete worth of the raw materials so sold.

(2) It is ascertained by the General Assembly that the value of a newspaper or other publication coming within the requisites of this section is in the service that it renders to the community or communities it serves.

(d)(1) The circulation of a legal newspaper shall be proven bona fide by at least fifty percent (50%) of the subscribers thereto having paid cash for their subscriptions to the newspaper, or its agents, or through recognized news dealers, over a period of six (6) months.

(2) A legal newspaper must publish an average of forty percent (40%) news matter which has sufficient merit to have created a following of paid readers.

(e)(1) The definition of "legal newspaper" provided in this section shall not be construed to classify as legal newspapers publications such as racing forms, shopping guides, and similar publications devoted primarily to advertising.

(2) Special class publications having a bona fide circulation such as patriotic organs, religious publications, construction journals, and other similar class publications shall not be affected under the provisions of this section.

History. Acts 1937, No. 152, §§ 1-5; A.S.A. 1947, §§ 15-108 — 15-112; Acts 1937, No. 263, §§ 1, 2; Pope's Dig., 1988 (3rd Ex. Sess.), No. 34, § 1. §§ 8777-8781; Acts 1943, No. 57, §§ 1, 2;

16-3-106. Authorized publications — Newspapers of general circulation.

All statutes requiring publication of legal notices by insertions in newspapers published either in the applicable town or county, and also requiring general circulation of the newspapers in the town or county, may be complied with, if no such newspaper is actually published in the town or county, by publication in a newspaper having general circulation in the town or county, irrespective of whether the newspaper is published and printed in the town or county or outside the boundaries of the State of Arkansas.

History. Acts 1979, No. 18, § 1; A.S.A. 1947, § 15-116.

16-3-107. Authorized publications — Weekly newspapers of patriotic organizations.

(a) Any weekly newspaper published in the State of Arkansas by any statewide patriotic organization and having a circulation of five hundred (500) or more in the county in which the newspaper is published is declared to be a medium or forum in which there may be published all legal and judicial advertisements, notices, orders, reports, judgments, decrees, and sales in the county.

(b) All legal and judicial advertisements, notices, orders, reports, judgments, decrees, and sales published in such weekly newspapers are, and shall be deemed to have been, properly published within the meaning of the acts governing the publication of legal and judicial advertisements, notices, orders, reports, judgments, decrees, and sales.

History. Acts 1931, No. 32, §§ 1, 2;
Pope's Dig., §§ 8787, 8788; A.S.A. 1947,
§§ 15-113, 15-114.

16-3-108. Authorized publications — Trade journals.

Whenever it appears to any state, county, or municipal agency or department that a special class of readers should be reached in order to obtain a wider range of bids, the department or agency may, in addition to the legal notices and advertising provided by law, place the advertising or notices in any recognized trade publication or construction journal published in the State of Arkansas reaching the special class. The rates regularly charged by the trade publication or construction journal may be paid by the state, county, or municipal department or agency.

History. Acts 1937, No. 222, § 1; Pope's
Dig., § 8783; A.S.A. 1947, § 15-115.

CHAPTER 4

UNIFORM INTERSTATE AND INTERNATIONAL PROCEDURE ACT

SECTION.

- 16-4-101. Personal jurisdiction of Arkansas courts.
- 16-4-102. Service.
- 16-4-103. [Reserved.]
- 16-4-104. [Superseded.]
- 16-4-105. Other provisions of law unaffected.

SECTION.

- 16-4-106. Uniformity of interpretation.
- 16-4-107. Severability.
- 16-4-108. Short title.
- 16-4-109, 16-4-110. [Reserved.]

Publisher's Notes. Acts 1963, No. 101, § 3, which concerned determination of foreign law, was superseded by the enactment of the Arkansas Rules of Civil Pro-

cedure, the Rules of Appellate Procedure, and the Rules for Inferior Courts pursuant to the supersession rule adopted by the Supreme Court of Arkansas in its order of December 18, 1978. See Rule 44.1, ARCP. Some provisions of this chapter may have been similarly superseded.

Effective Dates. Acts 1993, No. 7, § 6: Feb. 1, 1993. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that when the General Assembly enacted Arkansas' long-arm statute, the Uniform Interstate and International Procedures Act (Arkansas Code Annotated §§ 16-4-101 et seq.), it was not intended to exclusively define the basis for jurisdiction over non-resident corporate defen-

dants, but rather was intended to expand the jurisdiction of Arkansas Courts, it being long held by the Arkansas bench and bar that service upon an agent appointed by a foreign corporation to receive process in Arkansas confers personal jurisdiction in a transitory action regardless of the long-arm statute, which long-held concept appears to have been struck down by the Arkansas Supreme Court in *Malone & Hyde, Inc. v. Chisley*, 308 Ark. 308 (1992). Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval."

RESEARCH REFERENCES

Ark. L. Rev. Uniform Interstate and International Procedural Act, 17 Ark. L. Rev. 118.

Jurisdiction — Nonresident Corporation Doing Business Within the State, 17 Ark. L. Rev. 198.

Legislative Notes — No. 119 — Personal Jurisdiction Over Out-of-State Defendants, 18 Ark. L. Rev. 124.

Conflict of Laws — Arkansas 1959-64, 18 Ark. L. Rev. 135.

The Uniform Long-Arm Act in Arkansas. The Far Side of Jurisdiction, 22 Ark. L. Rev. 627.

Conflict of Laws — Arkansas 1964-68, 23 Ark. L. Rev. 1.

Conflict of Laws — Personal Jurisdiction and the Long-Arm Statute, 24 Ark. L. Rev. 106.

Civil Procedure — In Personam Jurisdiction Based Upon a Single Transaction, 24 Ark. L. Rev. 322.

Grounds for Venue in Arkansas — A Survey, 25 Ark. L. Rev. 468.

Civil Procedure — Arkansas' Non-Resident Motorist Statute — What is Sufficient Compliance?, 26 Ark. L. Rev. 63.

Conflict of Laws: Arkansas 1969-72, 27 Ark. L. Rev. 1.

Conflict of Laws: Arkansas — The Choice-Influencing Considerations, 28 Ark. L. Rev. 199.

Recent Developments: Long Arm Jurisdiction: Defendant's Motion to Quash Service Under State Long Arm Statute Shifts Burden of Proof to Moving Party. Hawes

Firearm Co. v. Roberts, 263 Ark. 510, 565 S.W.2d 620 (1978), 32 Ark. L. Rev. 606.

Simmons, Hutson v. Fehr Bros., Inc.: A Step in the Wrong Direction, 33 Ark. L. Rev. 553.

Leflar, Conflict of Laws: Arkansas, 1978-82, 36 Ark. L. Rev. 191.

Watkins, The Arkansas Long-Arm Statute: Just How Long Is It?, 40 Ark. L. Rev. 21.

Leflar, Conflict of Laws: Arkansas, 1983-87, 41 Ark. L. Rev. 63.

Note, The Reach of the Long-Arm After *Malone & Hyde, Inc. v. Chisley*: Still a "Vague and Tangled" Area of the Law?, 47 Ark. L. Rev. 209.

U. Ark. Little Rock L.J. Owen, Survey of Arkansas Law: Civil Procedure, 2 U. Ark. Little Rock L.J. 177.

Note, Quasi-in-rem Jurisdiction — Attachment of Insurer's Obligation to Non-resident Defendant (Seider Rule) Unconstitutional, 4 U. Ark. Little Rock L.J. 125.

Notes, Civil Procedure — Minimum Contacts — Eighth Circuit Survey. *Mountaire Feeds, Inc. v. Agro Impex, S.A.*, 677 F.2d 651 (8th Cir. 1982), 5 U. Ark. Little Rock L.J. 553.

Arkansas Law Survey, Greene, Civil Procedure, 7 U. Ark. Little Rock L.J. 167.

Arkansas Law Survey, Nelson, Conflicts of Law, 7 U. Ark. Little Rock L.J. 173.

Arkansas Law Survey, Bradley, Civil Procedure, 8 U. Ark. Little Rock L.J. 107.

CASE NOTES

ANALYSIS

Constitutionality.
In General.

Constitutionality.

This chapter is procedural and not substantive and its retroactive application to a cause of action that accrued before its enactment is not unconstitutional. *Safeway Stores, Inc. v. Shwayder Bros.*, 238 Ark. 768, 384 S.W.2d 473 (1964).

This chapter does not unconstitutionally discriminate between resident and nonresident defendants as to venue. *Bowsher v. Digby*, 243 Ark. 799, 422 S.W.2d 671 (1968).

In General.

This chapter is, at least in part, identical to ARCP 4(e). *A.O. Smith Harvestore Prods., Inc. v. Burnside*, 282 Ark. 27, 665 S.W.2d 288 (1984).

Cited: *National Sur. Corp. v. Inland Properties, Inc.*, 286 F. Supp. 173 (E.D. Ark. 1968); *Toronto-Dominion Bank v. Hall*, 367 F. Supp. 1009 (E.D. Ark. 1973); *Martin v. Kelley Elec. Co.*, 371 F. Supp. 1225 (E.D. Ark. 1974); *Purser v. Corpus Christi State Nat'l Bank*, 256 Ark. 452, 508 S.W.2d 549 (1974); *Dutton-Lainson Co. v. McGee*, 260 Ark. 494, 542 S.W.2d 739 (1976); *Winters v. Lewis*, 260 Ark. 563, 542 S.W.2d 746 (1976); *Spears v. State*, 264 Ark. 83, 568 S.W.2d 492 (1978).

16-4-101. Personal jurisdiction of Arkansas courts.

A. DEFINITION OF "PERSON". As used in this section, "person" includes an individual or his or her executor, administrator, or other personal representative, or a corporation, partnership, association, or any other legal or commercial entity, whether or not a citizen or domiciliary of this state and whether or not organized under the laws of this state.

B. PERSONAL JURISDICTION. The courts of this state shall have personal jurisdiction of all persons, and all causes of action or claims for relief, to the maximum extent permitted by the due process of law clause of the Fourteenth Amendment of the United States Constitution.

C. SERVICE. When the exercise of personal jurisdiction is authorized by this section, service may be made either within or outside this state.

D. INCONVENIENT FORUM. When the court finds that in the interest of substantial justice the action should be heard in another forum, the court may stay or dismiss the action in whole or in part on any conditions that may be just.

History. Acts 1963, No. 101, § 1; 1975, No. 252, § 1; A.S.A. 1947, § 27-2502; Acts 1993, No. 7, § 1; 1995, No. 486, § 1.

Publisher's Notes. Acts 1993, No. 7,

§ 2, provided that the provisions of this act, being procedural in nature, shall apply retroactively and prospectively.

RESEARCH REFERENCES

Ark. L. Notes. Copeland, A Brief Survey of Some Important 1991 and 1992 Insurance Law Decisions, 1992 Ark. L. Notes 85.

Ark. L. Rev. Note, The Reach of the Long-Arm After *Malone & Hyde, Inc. v.*

Chisley: Still a "Vague and Tangled" Area of the Law?, 47 Ark. L. Rev. 209.

Recent Developments, 48 Ark. L. Rev. 1093.

Carroll, Uniform Laws in Arkansas, 52 Ark. L. Rev. 313.

Note, *Davis v. St. John's Health System, Inc.*: General Jurisdiction, The Door is Ajar, But How Far Will It Open? 56 Ark. L. Rev. 647 (2003).

U. Ark. Little Rock L.J. Legislative Survey, Civil Procedure, 16 U. Ark. Little Rock L.J. 85.

CASE NOTES

ANALYSIS

Constitutionality.

In General.

Construction.

Burden of Proof.

Challenging a Finding of Jurisdiction.

Contracts.

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—Contacts Found.

—Contacts Not Found.

—Question of Fact.

Effect of Amendments.

Enduring Relationship.

Federal Law.

Foreign Company.

Forum Convenience.

Internet Contacts.

Principal and Agent.

Real Property.

Special Appearance.

Tortious Injury.

—Injury in State Caused by Action Outside State.

—Injury Outside State.

Transacting Business.

Constitutionality.

Former subdivision C.1.(e) does not violate Ark. Const., Art. 2, §§ 2, 3, or 8. *Bowsher v. Digby*, 243 Ark. 799, 422 S.W.2d 671 (1968).

In General.

The long-arm statute displaced the common law principle of the transitory cause of action as a rationale for asserting jurisdiction over corporate defendants and required that the cause of action arise out of prescribed conduct such as the transaction of business in Arkansas. To the extent that *Running v. Southwest Freight Lines*, 227 Ark. 839, 303 S.W.2d 578, (1957), stands for the principle that service upon an agent appointed by a foreign corporation to receive process in this state confers personal jurisdiction in a transitory action regardless of the long-arm statute, it is overruled. *Malone & Hyde, Inc. v. Chisley*, 308 Ark. 308, 825 S.W.2d 558 (1992).

Construction.

This section should be liberally construed. *Martin v. Kelley Elec. Co.*, 371 F. Supp. 1225 (E.D. Ark. 1974).

Although this section is to be liberally construed, there must still be some evidence upon which a prima facie showing of jurisdiction may be found to exist. *Williams v. GMC*, 573 F. Supp. 577 (E.D. Ark. 1983).

Burden of Proof.

A nonresident defendant filing a motion to dismiss or quash on grounds that there are not sufficient contacts within the state to be personally in the state, has the burden of going forward and offering proof to sustain the allegations of the motion, and if the motion is denied, this does not mean that the plaintiff is relieved from establishing jurisdiction; it merely means that at that point in the proceedings a prima facie case of jurisdiction sufficient to take the cause to trial has been made. *Hawes Firearm Co. v. Roberts*, 263 Ark. 510, 565 S.W.2d 620 (1978).

Under Arkansas law, the plaintiff has the burden of proving that a nonresident defendant has sufficient contacts with Arkansas to be sued in personam; however, the nonresident defendant filing a motion to dismiss or quash has the burden of going forward and offering proof to sustain the allegations of no jurisdiction. *Jeanway Indus., Inc. v. Knudson Mfg. Co.*, 533 F. Supp. 678 (W.D. Ark. 1981).

Challenging a Finding of Jurisdiction.

A writ of prohibition will not lie in a case where the personal jurisdiction turns upon whether the activities of the defendant were sufficient to satisfy the "minimum contacts" test applied under this section in order to allow the court to exercise the maximum jurisdiction allowable by due process, since the "minimum contacts" test is a question of fact, and in cases where jurisdiction depends upon the establishment of facts, the issue of jurisdiction must be decided by the trial court,

subject to correction on appeal rather than by a writ of prohibition. *Wisconsin Brick & Block Corp. v. Cole*, 274 Ark. 121, 622 S.W.2d 192 (1981).

When a trial court has made a determination that a person's contacts with Arkansas are sufficient to satisfy the minimum contacts requirement of *International Shoe Co. v. Washington*, 326 U.S. 310, 66 S. Ct. 154, 90 L. Ed. 95, 161 A.L.R. 1057 (1945), and former subdivision C.1.(a) of this section, the proper manner of challenging the decision is by appeal and not by a petition for a writ of prohibition. *Fausett v. Host*, 315 Ark. 527, 868 S.W.2d 472 (1994).

Contracts.

Contractual relationships held sufficient to establish jurisdiction over non-resident. *Waukesha Bldg. Corp. v. Jameison*, 246 F. Supp. 183 (W.D. Ark. 1965); *Dreyfus Co. v. Royster Co.*, 487 F. Supp. 531 (E.D. Ark. 1980); *Mountaire Feeds, Inc. v. Agro Impex*, 677 F.2d 651 (8th Cir. 1982); *SD Leasing, Inc. v. Al Spain & Assocs.*, 277 Ark. 178, 640 S.W.2d 451 (1982); *McMahan v. Paramount Holdings, Inc.*, 604 F. Supp. 1099 (E.D. Ark. 1985); *Rice v. SD Leasing, Inc.*, 14 Ark. App. 180, 686 S.W.2d 450 (1985); *Ultimatics, Inc. v. Minimatic, Inc.*, 715 F. Supp. 1448 (W.D. Ark. 1989).

Negotiations within the state leading up to the execution of the contract constituted such minimal contacts as were sufficient to give a court in Arkansas jurisdiction over a suit on such contract. *Thompson v. Ecological Science Corp.*, 421 F.2d 467 (8th Cir. 1970); *Arkansas-Best Freight Sys. v. Youngblood*, 359 F. Supp. 1115 (W.D. Ark. 1973).

Contractual relationship held insufficient to establish jurisdiction over non-resident. *Arkansas Poultry Coop. v. Red Barn Sys.*, 468 F.2d 538 (8th Cir. 1972); *Williams v. GMC*, 573 F. Supp. 577 (E.D. Ark. 1983); *Moran v. Bombardier Credit, Inc.*, 39 Ark. App. 122, 839 S.W.2d 538 (1992).

Evidence did not establish a contract to supply services or things in Arkansas which would bring nonresident under Arkansas jurisdiction. *Roger N. Joyce & Assocs. v. Paoli Steel Corp.*, 491 F. Supp. 1095 (E.D. Ark. 1980).

Agreement that lease would be governed by and construed under the laws of

Arkansas did not give an Arkansas court personal jurisdiction in and of itself, but did provide another contact with this state which went to satisfy the minimum contacts requirement. *SD Leasing, Inc. v. Al Spain & Assocs.*, 277 Ark. 178, 640 S.W.2d 451 (1982).

A single contract can provide the basis for the exercise of jurisdiction over a non-resident defendant if there is a substantial connection between the contract and the forum state. *SD Leasing, Inc. v. Al Spain & Assocs.*, 277 Ark. 178, 640 S.W.2d 451 (1982); *Jagitsch v. Commander Aviation Corp.*, 9 Ark. App. 159, 655 S.W.2d 468 (1983).

In an Arkansas resident's breach of contract suit alleging an agreement that the Arkansas resident would pursue a wrongful death action in Arkansas on a Virginia resident's behalf in return for fifty percent of the Virginia resident's award, an Arkansas trial court had personal jurisdiction over the Virginia resident under subdivision B. of this section because the Virginia resident had purposefully availed herself of the process and protection of the Arkansas courts to procure a large sum of money, and should have reasonably anticipated being required to appear in an Arkansas court if a dispute arose regarding an agreement, performed in Arkansas, that was an integral part in her procurement of that money. *Roberts v. Bendos*, 102 Ark. App. 358, 285 S.W.3d 687 (2008), rehearing denied, — Ark. App. —, — S.W.3d —, 2008 Ark. App. LEXIS 626 (Aug. 20, 2008).

Where a Bermuda corporation and its principal negotiated a contract in Arkansas with an Arkansas corporation to ship Arkansas poultry to Bermuda, the Arkansas court's exercise of personal jurisdiction under subdivisions A. and B. of this section over the Bermuda corporation and its principal in an action on the contract did not violate Fourteenth Amendment due process. *Twin Springs Group, Inc. v. Karibuni, Ltd.*, 2009 Ark. App. 649, — S.W.3d — (2009).

Due Process.

The purpose of this section is to permit courts to exercise maximum in personam jurisdiction allowable by due process. *Martin v. Kelley Elec. Co.*, 371 F. Supp. 1225 (E.D. Ark. 1974); *SD Leasing, Inc. v. Al Spain & Assocs.*, 277 Ark. 178, 640

S.W.2d 451 (1982); *Kilcrease v. Butler*, 293 Ark. 454, 739 S.W.2d 139 (1987); *F & M Bank v. Hamilton Hotel Partners Ltd. Partnership*, 702 F. Supp. 1417 (W.D. Ark. 1988); *Akin v. First Nat'l Bank*, 25 Ark. App. 341, 758 S.W.2d 14 (1988); *Gould v. P.T. Krakatau Steel*, 957 F.2d 573 (8th Cir. 1992), cert. denied, *Gould v. P. T. Krakatau Steel*, 506 U.S. 908, 113 S. Ct. 304, 121 L. Ed. 2d 227 (1992); *Brown v. PST Vans, Inc.*, 794 F. Supp. 299 (W.D. Ark. 1992).

Mechanical or quantitative evaluations of a defendant's activities in a state do not resolve the question of the reasonableness of personal jurisdiction, for whether due process is satisfied depends upon the quality and nature of the defendant's activity in relation to the fair and orderly administration of the laws. *Hutson v. Fehr Bros.*, 584 F.2d 833 (8th Cir. 1978), cert. denied, *Fehr Bros., Inc. v. Weissenfels*, 439 U.S. 983, 99 S. Ct. 573, 58 L. Ed. 2d 654 (1978); *Gould v. Empire Steel Trading Co.*, 765 F. Supp. 980 (E.D. Ark. 1991), aff'd, 957 F.2d 573 (8th Cir. 1992).

The use of arteries of interstate mail, telephone, railway, and banking facilities is insufficient, standing alone, to satisfy due process in asserting long-arm jurisdiction over a nonresident corporation. *Mountaire Feeds, Inc. v. Agro Impex*, 677 F.2d 651 (8th Cir. 1982).

Whether a trial court has in personam jurisdiction over nonresident defendants must be decided on the facts of each case. To make this determination, the court must decide whether the defendants' actions satisfy the "transacting business" requirement within the meaning of this section and whether the exercise of in personam jurisdiction is consistent with due process under the Fourteenth Amendment to the United States Constitution. *Jagitsch v. Commander Aviation Corp.*, 9 Ark. App. 159, 655 S.W.2d 468 (1983); *Meachum v. Worthen Bank & Trust Co.*, 13 Ark. App. 229, 682 S.W.2d 763 (1985), cert. denied, *Meachum v. Worthen Bank & Trust Co., N.A.*, 474 U.S. 844, 106 S. Ct. 132, 88 L. Ed. 2d 108 (1985); *Capps v. Roll Serv., Inc.*, 31 Ark. App. 48, 787 S.W.2d 694 (1990).

Factors to be considered in determining whether due process requirements have been satisfied when personal jurisdiction has been exercised over nonresident defendants are: (1) The nature and quality of the contacts with the forum state; (2) the

quantity of contacts with the forum state; (3) the relation of the cause of action to the contacts; (4) the interest of the forum state in providing a forum for its residents; and (5) the convenience to the parties. *Meachum v. Worthen Bank & Trust Co.*, 13 Ark. App. 229, 682 S.W.2d 763 (1985), cert. denied, *Meachum v. Worthen Bank & Trust Co., N.A.*, 474 U.S. 844, 106 S. Ct. 132, 88 L. Ed. 2d 108 (1985); *Akin v. First Nat'l Bank*, 25 Ark. App. 341, 758 S.W.2d 14 (1988); *Ultimatics, Inc. v. Minimatic, Inc.*, 715 F. Supp. 1448 (W.D. Ark. 1989); *Capps v. Roll Serv., Inc.*, 31 Ark. App. 48, 787 S.W.2d 694 (1990).

This section extends this state's jurisdiction over nonresidents to the limits permitted by the due process clause of the United States Constitution. *Dudley v. Dittmer*, 795 F.2d 669 (8th Cir. 1986); *Byer v. Gordos Ark., Inc.*, 712 F. Supp. 149 (W.D. Ark. 1989).

The inquiry as to the existence of in personam "long-arm" jurisdiction requires a two-part analysis. The court must first determine whether the facts presented satisfy the requirements of the state "long-arm" statute. After that is determined, and only if that is determined affirmatively, the court must then determine whether the state's exercise of personal jurisdiction is consistent with the due process requirement of the Fourteenth Amendment. *Ultimatics, Inc. v. Minimatic, Inc.*, 715 F. Supp. 1448 (W.D. Ark. 1989).

The U.S. Supreme Court has held that in order for state courts to maintain personal jurisdiction over a nonresident person under the Due Process Clause of the Fourteenth Amendment, a party must satisfy two prongs: (1) the party must show that the nonresident has had sufficient minimum contacts with this state; and (2) the party must show that the court's exercise of jurisdiction would not offend traditional notions of fair play and substantial justice. *John Norrell Arms, Inc. v. Higgins*, 332 Ark. 24, 962 S.W.2d 801 (1998).

Trial court erred in dismissing the Arkansas concrete company's action against the Kansas paint company because, even though the paint company had few ordinary business contacts with Arkansas, the paint company had filed a materialmen's lien against the concrete company's Arkansas real estate, which was sufficient

contact to subject it to the jurisdiction of Arkansas courts; further, the lien filing also showed that the paint company had purposefully availed itself of the privilege of conducting activities in Arkansas. *Concrete Wallsystems of Ark., Inc. v. Master Paint Indus. Coating Corp.*, 95 Ark. App. 21, 233 S.W.3d 157 (2006).

Nonresident sellers' presence in Arkansas for several days during which they consummated a large sales transaction that became the subject of litigation in the U.S. District Court for the Western District of Arkansas was a sufficient contact to give the sellers a reasonable anticipation of being haled into court in Arkansas, and thus subjected them to personal jurisdiction under the Arkansas long-arm statute under this section. *Bogle v. Jackson*, — F. Supp. 2d —, 2007 U.S. Dist. LEXIS 86776 (W.D. Ark. Nov. 13, 2007).

Japanese traction machine manufacturer's Fed. R. Civ. P. 12(b)(2) dismissal motion was denied because it had sufficient contacts with the Eastern District of Arkansas to warrant the court's exercising personal jurisdiction over it: (1) the Arkansas long-arm statute authorized the exercise of jurisdiction over foreign corporations to the fullest extent allowed by the U.S. Const., Amend. XIV Due Process Clause; (2) due process required that the manufacturer have minimum contacts with Arkansas, such that the maintenance of the suit did not offend traditional notions of fair play and substantial justice; and (3) the manufacturer had sufficient contacts to render it subject to the court's jurisdiction in a products liability suit brought in the Eastern District of Arkansas because it did more than simply place its machine in the stream of commerce, it authorized a U.S. distributor to be the exclusive distributor of its products in the U.S., it provided a user manual in English with its machines, it placed no limitation on where the machines could be sold, it visited the distributor in the U.S. to discuss the sale of its products, and it was aware that its products were being sold throughout the U.S., including in Arkansas. *Piggee v. Patterson Med. Prods., Inc.*, — F. Supp. 2d —, 2008 U.S. Dist. LEXIS 50785 (E.D. Ark. Apr. 29, 2008).

In a suit for fraud, unauthorized practice of law, breach of fiduciary duty, and civil conspiracy, personal jurisdiction over

the out-of-state corporate officers of related insurance marketing entities was established under subdivision B. of this section because the officers held Arkansas insurance licenses and the corporations they led solicited business in Arkansas. *Birts v. Vermillion*, — F. Supp. 2d —, 2009 U.S. Dist. LEXIS 87205 (W.D. Ark. Sept. 23, 2009).

In a suit for fraud, unauthorized practice of law, breach of fiduciary duty, and civil conspiracy, personal jurisdiction over out-of-state residents who were not employed by, or lacked ownership interests in, related insurance marketing entities was not established under subdivision B. of this section because minimum contacts were lacking. *Birts v. Vermillion*, — F. Supp. 2d —, 2009 U.S. Dist. LEXIS 87205 (W.D. Ark. Sept. 23, 2009).

—Contacts Found.

Nonresident held to have had sufficient contacts with state to bring it within state's jurisdiction without denying due process. *Davis v. Triumph Corp.*, 258 F. Supp. 418 (E.D. Ark. 1966); *Lauck v. E.C.K. Chivers & Assocs.*, 320 F. Supp. 463 (E.D. Ark. 1970); *Commercial Bank & Trust Co. v. Dixie Sound & Communications, Inc.*, 468 F. Supp. 578 (E.D. Ark. 1979); *Meachum v. Worthen Bank & Trust Co.*, 13 Ark. App. 229, 682 S.W.2d 763 (1985), cert. denied, *Meachum v. Worthen Bank & Trust Co., N.A.*, 474 U.S. 844, 106 S. Ct. 132, 88 L. Ed. 2d 108 (1985).

Although Honda R & D makes no direct revenue from Arkansas, the Honda Corporate family does, and Honda R & D enjoys the revenues received by the Honda family. Therefore, plaintiff submitted sufficient information to conclude that defendant Honda R & D derives substantial revenue from the State of Arkansas, and that exercising jurisdiction over Honda R & D satisfies due process. *Hawes v. Honda Motor Co.*, 738 F. Supp. 1247 (E.D. Ark. 1990).

The fact that the corporation was neither present nor doing business in Arkansas and merely owned a subsidiary in Arkansas did not sufficiently connect the corporation to Arkansas to bring it within the state's personal jurisdiction under Arkansas's long-arm statute. *Eppe v. Stewart Info. Servs. Corp.*, 327 F.3d 642 (8th Cir. 2003).

Court of appeals reversed the dismissal of a product liability suit for lack of juris-

diction over a French manufacturer where the manufacturer actively distributed and sold aircraft in the forum and operated a closely related business in the forum, which activities were sufficient to enforce long-arm jurisdiction over the manufacturer. *Anderson v. Dassault Aviation*, 361 F.3d 449 (8th Cir. 2004), rehearing denied, — F.3d —, 2004 U.S. App. LEXIS 6948 (8th Cir. Apr. 9, 2004), cert. denied, 543 U.S. 1015, 125 S. Ct. 606, 160 L. Ed. 2d 484 (2004).

An insurance policy's territory-of-coverage clause, insuring a manufacturer against property damage from occurrences in the United States, established defendant insurer's sufficient contact to Arkansas to satisfy due process under subdivision B. of this section and the Due Process Clause of the Fifth Amendment in plaintiff Arkansas farmer's indemnity suit against the insured. *Ferrell v. W. Bend Mut. Ins. Co.*, 393 F.3d 786 (8th Cir. 2005).

Putative father's contacts with Arkansas were sufficient to meet due process requirements under § 9-17-201(8), this section, and U.S. Const., Amend. XIV, based on his agreement to submit to a paternity test in Arkansas and given the fact that he drove to Arkansas for the test that was administered in Arkansas. Moreover, the father could have reasonably anticipated being haled into court in Arkansas because a person submitting to a paternity test could foresee the possibility that a paternity suit and support action could have been brought there, and finally, the exercise of jurisdiction over the father did not offend traditional notions of fair play and substantial justice when the burden of litigating the action was in no way unreasonable and the state had an interest in protecting its minor children and ensuring the payment of child support. *Payne v. France*, 373 Ark. 175, 282 S.W.3d 760 (2008).

—Contacts Not Found.

Contacts of nonresident with state held to be insufficient to support personal jurisdiction. *Frank v. Steel*, 253 Ark. 338, 485 S.W.2d 737 (1972); *Carter Oil Co. v. Apex Towing Co.*, 532 F. Supp. 364 (E.D. Ark. 1981); *Janni v. Janni*, 271 Ark. 953, 611 S.W.2d 785 (1981); *Eagle Material Handling of Ark., Inc. v. Acme Dock Specialists, Inc.*, 273 Ark. 362, 616 S.W.2d 716 (1981); *Marchant v. Peeples*, 274 Ark. 233,

623 S.W.2d 523 (1981); *Cotton v. Cotton*, 3 Ark. App. 158, 623 S.W.2d 540 (1981); *Lomanco, Inc. v. Missouri Pac. R.R.*, 566 F. Supp. 846 (E.D. Ark. 1983); *Jagitsch v. Commander Aviation Corp.*, 9 Ark. App. 159, 655 S.W.2d 468 (1983); *Kilcrease v. Butler*, 293 Ark. 454, 739 S.W.2d 139 (1987); *Gould v. P.T. Krakatau Steel*, 957 F.2d 573 (8th Cir. 1992), cert. denied, *Gould v. P. T. Krakatau Steel*, 506 U.S. 908, 113 S. Ct. 304, 121 L. Ed. 2d 227 (1992).

Where a resident of another state has no contacts with Arkansas and engages in no activities that would establish a "presence" in Arkansas to render him amenable to suit, he is not subject to the in personam jurisdiction of this state. *Carter v. Wilson*, 279 Ark. 58, 648 S.W.2d 472 (1983).

There were insufficient contacts between the nonresident guarantors and Arkansas to subject the guarantors to the jurisdiction of the Arkansas courts, for the mere fact that the individual defendants guaranteed an obligation to an Arkansas corporation did not subject the guarantors to jurisdiction in Arkansas. Nor did the guarantors' status as shareholders in the debtor corporation, or the more remote connection between some of the guarantors and California corporation, establish the minimum contacts between the guarantors and Arkansas necessary to satisfy due process. *Arkansas Rice Growers Coop. Ass'n v. Alchemy Indus., Inc.*, 797 F.2d 565 (8th Cir. 1986).

Where company's single act was to guarantee a debt between an Arkansas company and a nonresident corporation, and the record was devoid of evidence of even mail or telephone transactions to bring the company within this state's jurisdiction, such contacts were insufficient to sustain personal jurisdiction. *Moran v. Bombardier Credit, Inc.*, 39 Ark. App. 122, 839 S.W.2d 538 (1992).

In an action to collect on student loan notes, where defendant was a Tennessee resident, never resided or engaged in business in Arkansas, signed student guarantee notes in Tennessee, and his children, for whose benefit the notes were executed, went to school in Tennessee, and where defendant's only contacts with Arkansas were that the guaranteed loan was made by an Arkansas bank and the guarantor was an Arkansas corporation, the connec-

tion was too tenuous to support a finding of personal jurisdiction. *Glenn v. Student Loan Guarantee Found.*, 53 Ark. App. 132, 920 S.W.2d 500 (1996).

A nonresident manufacturer is not subject to the jurisdiction of this state simply because its product is shipped there; there must be some showing that the manufacturer purposefully availed itself of the privilege of doing business in this state or in some manner directed its activities at the forum state. *Smith v. Hobby Lobby Stores, Inc.*, 968 F. Supp. 1356 (W.D. Ark. 1997).

Personal jurisdiction not shown where the only contact that defendant had with Arkansas prior to the plaintiff's claim was the filing of an Oklahoma judgment against an Arkansas resident and the issuance of a writ of execution based on that judgment; such brief encounters with the state for the purpose of enforcing a judgment are not the type of continuous, systematic, and substantial contacts envisioned by the U.S. Supreme Court to satisfy due process considerations. *John Norrell Arms, Inc. v. Higgins*, 332 Ark. 24, 962 S.W.2d 801 (1998).

General personal jurisdiction not shown where corporation was not registered in Arkansas, had no employees here, had no agent for service in Arkansas, and had never initiated contact with people in Arkansas, and where the only contact that the corporation had had with this state had been sales to Arkansas residents, set in motion by Arkansas residents and merchandise delivered to Arkansas residents by mail or UPS. *John Norrell Arms, Inc. v. Higgins*, 332 Ark. 24, 962 S.W.2d 801 (1998).

A federal court in Arkansas did not have personal jurisdiction over a Kentucky bank whose only contact with Arkansas was to issue a cashier's check payable to an Arkansas bank and then, it was alleged, wrongfully dishonor the check. *First Nat'l Bank of Lewisville v. First Nat'l Bank of Clinton*, 258 F.3d 727 (8th Cir. 2001).

In a personal injury action brought by a man and his wife where the man was injured when an all-terrain vehicle (ATV) turned over on him there were insufficient contacts with Arkansas for the trial court to exercise personal jurisdiction; although there were a series of transaction involving the ATV, the injured party and his wife

were residents of Louisiana, where they had purchased the ATV, and they brought the ATV to Arkansas for recreational purposes. *Ganey v. Kawasaki Motors Corp.*, 366 Ark. 238, 234 S.W.3d 838 (2006).

Eastern District of Arkansas district court properly concluded that it could not exercise specific personal jurisdiction over a Japanese corporation because doing so would not comport with due process: (1) an Arkansas widow filed a wrongful death suit against the corporation after her husband was killed in Tennessee, while unloading electrodes that the corporation had manufactured in Japan; (2) the Arkansas long-arm statute conferred jurisdiction on the district court to the fullest extent permitted by the Due Process Clause; (3) due process required minimum contacts with the forum state and a finding that maintenance of the suit did not offend traditional notions of fair play and substantial justice; (4) the corporation's only contacts with Arkansas were the annual visits made by its representatives to an Arkansas customer; (5) the widow's wrongful death claims did not arise from those contacts; (5) the corporation was not directly involved in the packing, shipping, or unloading of the electrodes, which activities were related to the worker's death; and (6) the inconvenience to the parties and the witnesses was also a factor weighing against the exercise of personal jurisdiction over the corporation because essentially all of the witnesses and documents concerning the packaging, shipping, and unloading of the electrodes were located in Japan and/or outside of Arkansas. *Miller v. Nippon Carbon Co.*, 528 F.3d 1087 (8th Cir. 2008).

Court dismissed plaintiff's complaint for lack of personal jurisdiction because defendant's only contact with Arkansas was the filing of a Utah judgment against plaintiff in the state, and it went too far to suggest that defendant's registration of the Utah judgment against plaintiff was sufficient alone to satisfy the Arkansas long-arm statute and Fourteenth Amendment due process considerations. *Barnett v. Centennial Bank, Inc.*, — F. Supp. 2d —, 2008 U.S. Dist. LEXIS 11256 (E.D. Ark. Feb. 4, 2008).

—Question of Fact.

In order for a valid judgment to be rendered against a nonresident not served

within the forum state, due process requires that certain minimum contacts exist between the nonresident and the state, such that the maintenance of the suit does not offend traditional notions of fair play and substantial justice; the contacts with the forum state must be such that the nonresident defendant should reasonably anticipate being “haled” into an Arkansas court. A single contract can provide the basis for the exercise of jurisdiction over a nonresident defendant if there is a substantial connection between the contract and the forum state; whether the “minimum contacts” requirement has been satisfied is a question of fact. *Akin v. First Nat’l Bank*, 25 Ark. App. 341, 758 S.W.2d 14 (1988).

The existence of a state-created corporate form did not operate as a limitation on personal jurisdiction; it is necessary to utilize a case-by-case examination of the individual’s contact with the forum. *Ripplemeyer v. National Grape Coop. Ass’n*, 807 F. Supp. 1439 (W.D. Ark. 1992).

The Eighth Circuit Court of Appeals has established a five-factor test for determining the sufficiency of a defendant’s contacts with the forum state so as to result in personal jurisdiction: (1) the nature and quality of contacts with the forum state; (2) the quantity of such contacts; (3) the relation of the cause of action to the contacts; (4) the interest of the forum state in providing a forum for its residents; and (5) convenience of the parties. *John Norrell Arms, Inc. v. Higgins*, 332 Ark. 24, 962 S.W.2d 801 (1998).

Effect of Amendments.

The 1994 version of this section provided certain listed bases for personal jurisdictions; after its 1995 amendment, this section, in subdivision B., embraced all actions constitutionally permitted. *Smith v. Hobby Lobby Stores, Inc.*, 968 F. Supp. 1356 (W.D. Ark. 1997).

Enduring Relationship.

Subdivision B. of this section was not applicable where there was no showing that the defendant ever was domiciled in the state. *Jenkins v. Jenkins*, 257 Ark. 137, 514 S.W.2d 701 (1974).

Federal Law.

Federal court properly exercised jurisdiction over defendant, a bail bondsman, who submitted to state court an affidavit

of intention to surrender accused requesting plaintiff’s arrest, that lead to plaintiff’s arrest and his suit for malicious prosecution and false imprisonment. *Dean v. Olibas*, 129 F.3d 1001 (8th Cir. 1997).

Where none of the jurisdictional factors prescribed by 10 U.S.C. § 1408 were satisfied, and the federal statute preempted the application of the “minimum contacts” provisions of this section, the chancellor lacked personal jurisdiction to divide party’s military pension. *Pender v. Pender*, 57 Ark. App. 305, 945 S.W.2d 395 (1997).

Foreign Company.

An Arkansas court has authority, under this section and the due process clause, U.S. Const. Amend. 14, to exercise jurisdiction over a foreign insurance company in a suit by the insured to recover under the insurance policy’s uninsured motorist clause for damages arising out of an accident in Arkansas with an uninsured Arkansas motorist. *Szalay v. Handcock*, 307 Ark. 232, 819 S.W.2d 232 (1991).

Business owner met his burden of prima facie showing that the district court could exercise general personal jurisdiction over an international company under the Arkansas long-arm statute, subdivision B. of this section, because the owner presented evidence showing that the international company had purposely availed itself of the privilege of conducting business activities within Arkansas, thereby invoking the benefits and protections of the state’s laws: (1) the international company owned a security company that had promised to provide monitoring, alarm, and security services for the owner’s Arkansas business; (2) statements on the international company’s website and a prior lawsuit brought against the international company by the Securities and Exchange Commission provided proof that the international company manipulated and controlled the security company and that it received income from the security company’s sale of security systems and services in the State of Arkansas; (3) the international company’s contacts with Arkansas, through the security company, were the type of continuous and systematic contacts that established general jurisdiction even if the owner’s claims did not specifically arise out of business activities directed at Arkansas; and (4) it

would not violate the U.S. Const., Amend. XIV Due Process Clause to exercise jurisdiction over the international company because it could hardly be inconvenient for the international company to defend itself in a state where it was otherwise proud to conduct business. *Duffer v. TYCO Int'l Ltd.*, — F. Supp. 2d —, 2008 U.S. Dist. LEXIS 74476 (W.D. Ark. Sept. 26, 2008).

Forum Convenience.

Although this section may affect venue because of its provisions relating to jurisdiction and service of process, the provision that the court in which the action is filed has broad powers under the principle of forum non conveniens demonstrates that the statute is basically a jurisdiction-giving statute rather than a venue-fixing one. *Ozark Supply Co. v. Glass*, 261 Ark. 750, 552 S.W.2d 1 (1977).

Considerations usually associated with forum convenience were pertinent to federal court's decision that Arkansas' exercise of jurisdiction over foreign corporation would offend traditional notions of fair play and substantial justice protected by the Fourteenth Amendment. *Hutson v. Fehr Bros.*, 584 F.2d 833 (8th Cir. 1978), cert. denied, *Fehr Bros., Inc. v. Weissenfels*, 439 U.S. 983, 99 S. Ct. 573, 58 L. Ed. 2d 654 (1978).

Court may raise the doctrine of forum non conveniens on its own. *Country Pride Foods Ltd. v. Medina & Medina*, 279 Ark. 75, 648 S.W.2d 485 (1983).

The trial court's discretion in determining whether to dismiss an action due to an inconvenient forum must necessarily be based upon such factors as convenience to the parties in obtaining documents and witnesses, the expense involved in trying the case, questions of foreign law, trial docket, and other matters. Although the application of forum non conveniens lies within the sound discretion of the trial court and will be disturbed only upon a showing of abuse of discretion, the record must show the matters considered by the court in applying the doctrine. *Country Pride Foods Ltd. v. Medina & Medina*, 279 Ark. 75, 648 S.W.2d 485 (1983).

Where contract was executed in Arkansas and most of the parties were residents of the state, the convenience of the parties was best served by the hearing of the case in Arkansas. *Meachum v. Worthen Bank*

& Trust Co., 13 Ark. App. 229, 682 S.W.2d 763 (1985), cert. denied, *Meachum v. Worthen Bank & Trust Co., N.A.*, 474 U.S. 844, 106 S. Ct. 132, 88 L. Ed. 2d 108 (1985).

There is no requirement that plaintiff's claim be dismissed because of a prior pending action in federal court, nor is there any requirement that the court exercise the forum non conveniens discretion given it by subsection E. *Helm v. Mid-America Indus., Inc.*, 301 Ark. 521, 785 S.W.2d 209, cert. denied, *Helm v. Mid-America Industries, Inc.*, 498 U.S. 850, 111 S. Ct. 142, 112 L. Ed. 2d 108 (1990).

The application of forum non conveniens lies within the sound discretion of the trial court; only if this discretion is abused will be reviewing court reverse. *Life of Am. Ins. Co. v. Baker-Lowe-Fox Ins. Mktg., Inc.*, 316 Ark. 630, 873 S.W.2d 537 (1994).

Because an insurer was the first party to file suit, and it chose to do so in the county in which it had its principal office, pursuant to § 16-55-213(a), a circuit judge erred by applying the doctrine of forum non conveniens under subdivision D. of this section, effectively overruling the insurer's choice of venue. *Farm Bureau Mut. Ins. Co. of Ark. v. Gadbury-Swift*, 2010 Ark. 6, — S.W.3d — (2010).

Internet Contacts.

Manufacturer's advertisement on the World Wide Web was insufficient contact with this state to subject it to personal jurisdiction. *Smith v. Hobby Lobby Stores, Inc.*, 968 F. Supp. 1356 (W.D. Ark. 1997).

Principal and Agent.

Nonresident principal acting through agent in state held to be transacting business so as to subject principal to jurisdiction. *Wichman v. Hughes*, 248 Ark. 121, 450 S.W.2d 294 (1970); *Nix v. Dunavant*, 249 Ark. 641, 460 S.W.2d 762 (1970); *F & M Bank v. Hamilton Hotel Partners Ltd. Partnership*, 702 F. Supp. 1417 (W.D. Ark. 1988).

Former subdivision C.1. of this section would only enable the court to exercise jurisdiction over the principal on whose behalf the agent acted, based upon the conduct of the agent as it falls within this section. This section does not similarly authorize exercise of jurisdiction over an

agent based upon the conduct of his principal, since the actions of an agent acting for a disclosed principal bind only the principal and not the agent, subjecting only the principal to jurisdiction on the basis of contact with the forum. *Williams v. GMC*, 573 F. Supp. 577 (E.D. Ark. 1983).

Real Property.

A court of the county where real estate was located had jurisdiction over the person of a nonresident owner under former subdivision C.1.(e) of this section in an action by a real estate broker against the nonresident owner to recover a commission for the sale of the real estate. *Bowsher v. Digby*, 243 Ark. 799, 422 S.W.2d 671 (1968).

A nonresident of Arkansas who contracted to buy Arkansas land is subject to the personal jurisdiction of an Arkansas court in a foreclosure suit on the land. *Ratliff v. Thompson*, 267 Ark. 349, 590 S.W.2d 291 (1979).

State courts had personal jurisdiction over persons who not only owned the property in the state that was the subject of foreclosure, but also lived on the property when they negotiated and consummated the defaulted loan, which was the basis of the suit. *Horne v. Savers Fed. Sav. & Loan Ass'n*, 295 Ark. 182, 747 S.W.2d 580 (1988).

Special Appearance.

Special appearance in an Arkansas court to contest the jurisdiction of the court and move for continuance did not subject nonresident to "long arm" personal jurisdiction. *Cotton v. Cotton*, 3 Ark. App. 158, 623 S.W.2d 540 (1981).

Tortious Injury.

Nonresident putative father was not subject to personal jurisdiction under former subdivision C.1.(c) of this section on ground that child was conceived in Arkansas, since sexual intercourse between consenting adults is not a "tortious act" so as to confer jurisdiction. *Howard v. County Court*, 272 Ark. 205, 613 S.W.2d 386 (1981).

In a suit against United States for damages for death of enlisted person due to sexual harassment by sergeant, former subdivision C.1.(c) of this section did not provide basis for jurisdiction over sergeant who had no contacts with Arkansas. *Stubbs v. United States*, 593 F. Supp. 521

(E.D. Ark. 1984), *aff'd*, 744 F.2d 58 (8th Cir. 1984).

While nonresident driver committed a tortious injury in Arkansas which served as a basis for personal jurisdiction over him in action for personal injuries, that tortious act did not give rise to cause of action for failure to settle under driver's insurance policy, which failure was an act of insurer and not of driver; the trial court erred in holding that driver's conduct was sufficient to support personal jurisdiction under this section in that action. *Franklin v. Griffith*, 282 Ark. 271, 668 S.W.2d 518 (1984).

When personal jurisdiction is based solely upon the provisions that "only a cause of action or claim for relief arising from acts enumerated in this section may be asserted" against a defendant, there must be a relationship between the defendant's connection with Arkansas and the injury complained of. *Slocum v. Sandestin Beach Resort Hotel*, 679 F. Supp. 899 (E.D. Ark. 1988).

In order to exercise jurisdiction under former subdivision C.1.(d) of this section, the tortious injury must occur in Arkansas, but the business activities of the defendant need not be related to the tortious injury. *Brown v. PST Vans, Inc.*, 794 F. Supp. 299 (W.D. Ark. 1992).

A fair interpretation of the allegations made by plaintiff allowed the conclusion that her inability to find a job in Arkansas resulted from allegedly defamatory statements attributed to defendant; therefore, regarding the claim of defamation, the amended complaint stated a claim as to personal jurisdiction under this statute. *Brown v. PST Vans, Inc.*, 794 F. Supp. 299 (W.D. Ark. 1992).

Personal jurisdiction over an out-of-state trucking company was not dependent on this section where, at trial, the proof was not in dispute as to the situs of the collision; thus, Arkansas acquired personal jurisdiction over the defendant under § 16-58-120 because the plaintiff's cause of action arose directly from an act committed in this state by the agent of the defendant. *Watkins Motor Lines v. Hedrick*, 316 Ark. 683, 873 S.W.2d 814 (1994).

—Injury in State Caused by Action Outside State.

Under former subdivision C.1.(d) of this section, an Arkansas court had jurisdic-

tion over foreign corporations in action for tort and breach of warranty even though the corporations had no offices or agents within the state and their products entered the state only through being incorporated in the products of others sold within the state or through sale by manufacturer's agents and independent brokers. *Pennsalt Chem. Corp. v. Crown Cork & Seal Co.*, 244 Ark. 638, 426 S.W.2d 417 (1968).

Nonresident corporation deriving substantial revenue from goods sold in Arkansas held subject to jurisdiction. *International Harvester Co. v. Hendrickson Mfg. Co.*, 249 Ark. 298, 459 S.W.2d 62 (1970); *Jeanway Indus., Inc. v. Knudson Mfg. Co.*, 533 F. Supp. 678 (W.D. Ark. 1981); *Marshall Constr. Co. v. M. Berger Co.*, 533 F. Supp. 793 (W.D. Ark. 1982).

Where nonresident manufacturer engaged in a persistent course of conduct or derived substantial revenue from use of its goods in Arkansas, there were sufficient substantial contacts with the state for this section to apply, and this result was not changed by the fact that the complaint sounded in warranty rather than negligence or strict liability since former subdivision C.1.(d) of this section applies both to actions for breach of warranty and to actions in tort. *Trace X Chem., Inc. v. Gulf Oil Chems. Co.*, 519 F. Supp. 826 (W.D. Ark. 1981).

Defendant's contacts with the state, which were the mailing of monthly payments to, and maintaining an escrow account at, the plaintiff bank within the state, were insufficient to render her subject to personal jurisdiction under former subdivision C.1.(d) of this section. *Union Nat'l Bank v. Thornton*, 293 Ark. 385, 738 S.W.2d 103 (1987).

—Injury Outside State.

Arkansas courts held not to have jurisdiction over nonresident defendant where injury occurred in another state. *Krone v. AMI, Inc.*, 367 F. Supp. 1141 (E.D. Ark. 1973); *Jeanway Indus., Inc. v. Knudson Mfg. Co.*, 533 F. Supp. 678 (W.D. Ark. 1981); *Williams v. GMC*, 573 F. Supp. 577 (E.D. Ark. 1983); *Carter v. Wilson*, 279 Ark. 58, 648 S.W.2d 472 (1983).

To confer jurisdiction on court under this section, the connection between defendant's activities in Arkansas and plaintiff's injuries in another state must be

actual and not merely antecedent. *Martin v. Kelley Elec. Co.*, 371 F. Supp. 1225 (E.D. Ark. 1974).

Where nonresident manufacturer engaged in a persistent course of conduct or derived substantial revenue from use of its goods in Arkansas, there were sufficient substantial contacts with the state for this section to apply, and this result was not changed by the fact that the complaint sounded in warranty rather than negligence or strict liability since former subdivision C.1.(d) of this section applies both to actions for breach of warranty and to actions in tort. *Trace X Chem., Inc. v. Gulf Oil Chems. Co.*, 519 F. Supp. 826 (W.D. Ark. 1981).

Tortious acts in Arkansas held to confer jurisdiction over nonresident defendant where injury occurred in another state. *Wright v. Newman*, 539 F. Supp. 1331 (W.D. Ark. 1982), vacated, 735 F.2d 1073 (8th Cir. Mo. 1984).

The failure to allege facts connecting the transaction of Arkansas business to the accident in a foreign state was fatal to the cause of action, where such allegations were required by the long-arm statute to establish personal jurisdiction over a nonresident defendant. *Malone & Hyde, Inc. v. Chisley*, 308 Ark. 308, 825 S.W.2d 558 (1992).

Transacting Business.

Neither marriage nor living with a person constitutes transacting any business in the state on which personal jurisdiction can be exercised by the chancery court in a divorce action. *Jenkins v. Jenkins*, 257 Ark. 137, 514 S.W.2d 701 (1974).

Nonresident defendant held to have transacted business in state so as to confer jurisdiction on Arkansas courts. *Shannon v. Fidelity Nat'l Bank*, 259 Ark. 186, 531 S.W.2d 958 (1976); *Stivers v. Pacific Bldg., Inc.*, 269 Ark. 294, 601 S.W.2d 822 (1980); *Helm v. Mid-America Indus., Inc.*, 301 Ark. 521, 785 S.W.2d 209, cert. denied, *Helm v. Mid-America Industries, Inc.*, 498 U.S. 850, 111 S. Ct. 142, 112 L. Ed. 2d 108 (1990); *American Gen. Fire & Cas. v. Wal-Mart Stores, Inc.*, 791 F. Supp. 763 (W.D. Ark. 1992).

Nonresident defendant held not to have transacted business in state so as to subject itself to Arkansas jurisdiction. *Hutson v. Fehr Bros.*, 584 F.2d 833 (8th Cir. 1978), cert. denied, *Fehr Bros., Inc. v. Weissen-*

fels, 439 U.S. 983, 99 S. Ct. 573, 58 L. Ed. 2d 654 (1978); *Roger N. Joyce & Assocs. v. Paoli Steel Corp.*, 491 F. Supp. 1095 (E.D. Ark. 1980); *Pearrow v. National Life & Accident Ins. Co.*, 703 F.2d 1067 (8th Cir. 1983); *Williams v. GMC*, 573 F. Supp. 577 (E.D. Ark. 1983); *Davis v. Kroger Co.*, 576 F. Supp. 1156 (W.D. Ark. 1983).

Where a Pennsylvania corporation began transacting business within this state, those transactions would not render the corporation subject to the in personam jurisdiction of an Arkansas court in a suit arising from activities which occurred prior to that time. *Carter Oil Co. v. Apex Towing Co.*, 532 F. Supp. 364 (E.D. Ark. 1981).

The purpose of the "transacting business" provision is to permit the trial court to exercise the maximum personal jurisdiction over nonresident defendant allowable by due process, and the provision should be given a broad and liberal interpretation. *Jagitsch v. Commander Aviation Corp.*, 9 Ark. App. 159, 655 S.W.2d 468 (1983); *Moran v. Bombardier Credit, Inc.*, 39 Ark. App. 122, 839 S.W.2d 538 (1992); *Glenn v. Student Loan Guarantee Found.*, 53 Ark. App. 132, 920 S.W.2d 500 (1996).

The Arkansas legislature intended the term "transacting business" to be construed to expand jurisdiction to the modern constitutional limit. *Meachum v. Worthen Bank & Trust Co.*, 13 Ark. App. 229, 682 S.W.2d 763 (1985), cert. denied, *Meachum v. Worthen Bank & Trust Co.*, N.A., 474 U.S. 844, 106 S. Ct. 132, 88 L. Ed. 2d 108 (1985); *F & M Bank v. Hamilton Hotel Partners Ltd. Partnership*, 702 F. Supp. 1417 (W.D. Ark. 1988).

In an action by a local broker against the president of a commodities brokerage business for fraud and market manipulation under the Commodities Exchange Act, the district court properly asserted personal jurisdiction over the defendant where the defendant telephoned and visited the local broker's office to trade on both customer accounts and personal accounts. *Dudley v. Dittmer*, 795 F.2d 669 (8th Cir. 1986).

Although the Arkansas legislature intended the term "transacting business" to be construed to expand the in personam jurisdiction of its courts over nonresident defendants to the maximum allowed by due process, the use of arteries of inter-

state mail and telephone is insufficient, standing alone, to satisfy due process. *Slocum v. Sandestin Beach Resort Hotel*, 679 F. Supp. 899 (E.D. Ark. 1988).

Where the defendant has created continuing obligations between himself and residents of the forum, he manifestly has availed himself of the privilege of conducting business there, and because his activities are shielded by the benefits and protections of the forum's laws, it is presumptively not unreasonable to require him to submit to the burdens of litigation in that forum as well. *Ultimatics, Inc. v. Minimatic, Inc.*, 715 F. Supp. 1448 (W.D. Ark. 1989).

Where defendant's employee, pursuant to contract for jointly purchased aircraft engine, stopped in Marion, Arkansas while en route from Texas to Indiana on other business, and attempted delivery to plaintiff but left none of the engine because a dispute arose over identity of property agreed upon, defendant engaged in a purposeful act sufficiently substantial to subject it to long-arm jurisdiction in Arkansas. *Papachristou v. Turbines Inc.*, 902 F.2d 685 (8th Cir. 1990).

Telephone and mail transactions of foreign company not qualified to do business in Arkansas do not, standing alone, satisfy the minimum contacts required by due process to bring company within Arkansas's jurisdiction. *CDI Contractors v. Goff Steel Erectors, Inc.*, 301 Ark. 311, 783 S.W.2d 846 (1990).

Where nonresident defendant had no offices, agents, or property in Arkansas, was not licensed to conduct business in Arkansas and contended it did not, and at no time did any employee or representative of defendant come to Arkansas to deal with plaintiff, defendant's activities did not rise to the status of transacting any business in this state and did not have the minimum contacts required with the State of Arkansas for purposes of the Fourteenth Amendment. *Dickson v. Hawker-Siddeley Power Eng'g, Inc.*, 763 F. Supp. 1006 (W.D. Ark. 1991).

Cited: *Rose's Mobile Homes, Inc. v. Rex Financial Corp.*, 383 F. Supp. 937 (W.D. Ark. 1974); *William Penn Fraternal Ass'n v. Hickman*, 256 Ark. 308, 506 S.W.2d 823 (1974); *Turner v. McClain*, 459 F. Supp. 898 (E.D. Ark. 1978); *United States v. Blackmon*, 496 F. Supp. 1250 (E.D. Ark. 1980); *Oden Optical Co. v. Optique Du*

Mond, Ltd., 268 Ark. 1105, 598 S.W.2d 456 (1980); Burton v. Bank of Tuckerman, 276 Ark. 538, 637 S.W.2d 577 (1982); Tucker Enters., Inc. v. Hartje, 278 Ark. 320, 650 S.W.2d 559 (1983); SD Leasing, Inc. v. RNF Corp., 278 Ark. 530, 647 S.W.2d 447 (1983); Weatherford v. State, 286 Ark. 376, 692 S.W.2d 605 (1985); Zolper v. AT & T Info. Sys., 289 Ark. 27, 709 S.W.2d 74 (1986); Keene v. National Medical Care, Inc., 700 F. Supp. 458 (E.D. Ark. 1988); Akin v. First Nat'l Bank, 25 Ark. App. 341, 758 S.W.2d 14 (1988); Yeldell v. Tutt, 913 F.2d 533 (8th Cir. 1990); Miller v. Tony & Susan Alamo Found., 924 F.2d 143 (8th Cir. 1991); Carpetland of N.W. Ark., Inc. v. Howard, 304 Ark. 420, 803 S.W.2d 512 (1991); Brown v. PST Vans, Inc., 794 F.

Supp. 299 (W.D. Ark. 1992); Renfro v. Adkins, 323 Ark. 288, 914 S.W.2d 306 (1996); National Bank of Commerce v. Dow Chem. Co., 327 Ark. 504, 938 S.W.2d 847 (1997); Janni v. Janni, 271 Ark. 953, 611 S.W.2d 785 (1981); Eagle Material Handling of Ark., Inc. v. Acme Dock Specialists, Inc., 273 Ark. 362, 616 S.W.2d 716 (1981); Marchant v. Peeples, 274 Ark. 233, 623 S.W.2d 523 (1981); Cotton v. Cotton, 3 Ark. App. 158, 623 S.W.2d 540 (1981); Lomanco, Inc. v. Missouri Pac. R.R., 566 F. Supp. 846 (E.D. Ark. 1983); Jagitsch v. Commander Aviation Corp., 9 Ark. App. 159, 655 S.W.2d 468 (1983); Kilcrease v. Butler, 293 Ark. 454, 739 S.W.2d 139 (1987); Gould v. P.T. Krakatau Steel, 957 F.2d 573 (8th Cir. 1992).

16-4-102. Service.

A. MANNER AND PROOF OF SERVICE.

1. When the law of this state authorizes service outside this state, the service, when reasonably calculated to give actual notice, may be made:

(a) By personal delivery in the manner prescribed for service within this state;

(b) In the manner prescribed by the law of the place in which the service is made for service in that place in an action in any of its courts of general jurisdiction;

(c) By any form of mail addressed to the person to be served and requiring a signed receipt;

(d) As directed by the foreign authority in response to a letter rogatory; or

(e) As directed by the court.

2. Proof of service outside this state may be made by affidavit of the individual who made the service or in the manner prescribed by the law of this state, the order pursuant to which the service is made, or the law of the place in which the service is made for proof of service in an action in any of its courts of general jurisdiction. When service is made by mail, proof of service shall include a receipt signed by the addressee or other evidence of personal delivery to the addressee satisfactory to the court.

B. INDIVIDUALS ELIGIBLE TO MAKE SERVICE. Service outside this state may be made by any individual permitted to make service of process under the law of this state or the law of the place in which the service is made or who is designated by a court of this state. In addition, any attorney for a party is eligible to make service of process in the manner prescribed in subparagraphs (c) and (e) of paragraph 1 of subsection A. of this section.

C. INDIVIDUALS TO BE SERVED; SPECIAL CASES. When the law of this state requires that in order to effect service, one (1) or more designated

individuals be served, service outside this state under this section must be made upon the individual or individuals.

D. ASSISTANCE TO TRIBUNALS AND LITIGANTS OUTSIDE THIS STATE.

1. Any court of record of this state may order service upon any person who is domiciled or can be found within this state of any document issued in connection with a proceeding in a tribunal outside this state. The order may be made upon application of any interested person or in response to a letter rogatory issued by a tribunal outside this state and shall direct the manner of service.

2. Service in connection with a proceeding in a tribunal outside this state may be made within this state without an order of court.

3. Service under this section does not, of itself, require the recognition or enforcement of an order, judgment, or decree rendered outside this state.

E. OTHER PROVISIONS OF LAW UNAFFECTED. This section does not repeal or modify any other law of this state permitting another procedure for service.

History. Acts 1963, No. 101, § 2; 1973, §§ 16-58-120 — 16-58-128, § 16-58-130. No. 37, § 1; A.S.A. 1947, § 27-2503. Summons, ARCP 4(c).

Cross References. Method of service,

CASE NOTES

ANALYSIS

Alternative Service.
Individuals Eligible to Make Service.
Refusal of Summons.
Service on Agent.
Validity of Service.

Alternative Service.

Where, under the circumstances, plaintiff was denied in its efforts to give defendants actual or personal service provided for out-of-state persons under the methods set forth under subdivision A.1. of this section and ARCP 4(e), plaintiff was relegated to obtain service of process on defendants under ARCP 4(f), which is another effective procedure for service under this section, the long-arm law; subsection E. of this section provides this section does not repeal or modify any other law of this state permitting another procedure for service. *Horne v. Savers Fed. Sav. & Loan Ass'n*, 295 Ark. 182, 747 S.W.2d 580 (1988).

Individuals Eligible to Make Service.

Summons could be served by the sheriff of the county in which property was located. *Stivers v. Pacific Bldg., Inc.*, 269 Ark. 294, 601 S.W.2d 822 (1980).

Refusal of Summons.

One who is subject to the long-arm jurisdiction of a court of Arkansas cannot defeat jurisdiction by the simple expedient of refusing to accept a registered letter containing a summons. *Merriott v. Whitsell*, 251 Ark. 1031, 476 S.W.2d 230 (1972).

Service on Agent.

The long-arm statute displaced the common law principle of the transitory cause of action as a rationale for asserting jurisdiction over corporate defendants and required that the cause of action arise out of prescribed conduct such as the transaction of business in Arkansas. To the extent that *Running v. Southwest Freight Lines*, 227 Ark. 839, 303 S.W.2d 578 (1957), stands for the principle that service upon an agent appointed by a foreign corporation to receive process in this state confers personal jurisdiction in a transitory action regardless of the long-arm statute, it is overruled. *Malone & Hyde, Inc. v. Chisley*, 308 Ark. 308, 825 S.W.2d 558 (1992).

Validity of Service.

In a personal injury action arising from an automobile accident, where a copy of the complaint and summons, which was mailed to the out-of-state address of de-

defendant's brother, was returned marked "undelivered," plaintiff failed to exercise the reasonable diligence required in determining defendant's last known address and, therefore, the default judgment based on the purported service was void. *Canal Ins. Co. v. Hall*, 259 Ark. 797, 536 S.W.2d 702 (1976).

If a summons misstated the amount of time allowed for an answer, that discrepancy would not render the summons fatally defective so as to prevent service under this section. *Stivers v. Pacific Bldg., Inc.*, 269 Ark. 294, 601 S.W.2d 822 (1980).

Nonresident corporation not authorized to do business in Arkansas was not prop-

erly served with notice under this section where the attempt to use the Secretary of State resulted in the notice being returned. *A.O. Smith Harvestore Prods., Inc. v. Burnside*, 282 Ark. 27, 665 S.W.2d 288 (1984).

Cited: *Arkansas-Best Freight Sys. v. Youngblood*, 359 F. Supp. 1115 (W.D. Ark. 1973); *Renault Cent., Inc. v. International Imports of Fayetteville, Inc.*, 266 Ark. 155, 583 S.W.2d 10 (1979); *Watling Ladder Co. v. Aldridge*, 3 Ark. App. 27, 621 S.W.2d 499 (1981); *Mountaire Feeds, Inc. v. Agro Impex*, 677 F.2d 651 (8th Cir. 1982); *Miller v. Tony & Susan Alamo Found.*, 924 F.2d 143 (8th Cir. 1991).

16-4-103. [Reserved.]

Publisher's Notes. The Uniform Interstate and International Procedure Act (U.L.A.), Article III, which concerns the

taking of depositions, was not adopted in Arkansas.

16-4-104. [Superseded.]

A.C.R.C. Notes. The Supreme Court of Arkansas stated in a Per Curiam of Nov. 24, 1986, that this section, concerning proof of official records, was deemed su-

perseded by the Arkansas Rules of Civil Procedure. The section was derived from Acts 1963, No. 101, § 4; A.S.A. 1947, § 27-2505.

16-4-105. Other provisions of law unaffected.

Except as otherwise provided herein, this chapter does not repeal or modify any law of this state:

(1) Authorizing the exercise of jurisdiction on any bases other than the bases specified in § 16-4-101;

(2) Permitting a procedure for service or for obtaining testimony, documents, or other things for use in this state or in a tribunal outside this state other than the procedures prescribed in § 16-4-102; or

(3) Authorizing the proof of official records or any entry or lack of entry therein by any method other than the methods prescribed in § 16-4-104 [superseded].

History. Acts 1963, No. 101, § 5; A.S.A. 1947, § 27-2506.

16-4-106. Uniformity of interpretation.

This chapter shall be so interpreted and construed as to effectuate its general purposes to make uniform the laws of those states which enact it.

History. Acts 1963, No. 101, § 6; A.S.A. 1947, § 27-2507.

16-4-107. Severability.

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

History. Acts 1963, No. 101, § 7; A.S.A. 1947, § 27-2507n.

16-4-108. Short title.

This chapter may be cited as the “Uniform Interstate and International Procedure Act”.

History. Acts 1963, No. 101, § 8; A.S.A. 1947, § 27-2501.

16-4-109, 16-4-110. [Reserved.]

Publisher’s Notes. Uniform Interstate and International Procedure Act (U.L.A.), §§ 6.05 and 6.06, which concern repeal

and time of taking effect, respectively, were not adopted in Arkansas.

CHAPTER 5

NONLIABILITY OF VOLUNTEER FIRE FIGHTERS, ETC.

| | |
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| SECTION. | lation of free smoke |
| 16-5-101. Volunteer firefighters, etc. — Nonliability. | alarms — Liability. |
| 16-5-102. Damage resulting from instal- | |

Effective Dates. Acts 1987, No. 189, § 3: Mar. 13, 1987. Emergency clause provided: “It is hereby found and determined by the General Assembly that volunteer firefighters, fire department board members and administrative personnel of volunteer fire departments should not suffer civil liability for personal injuries or property damage resulting from acts or omissions of volunteer firefighters while engaged in carrying out their responsibilities as firefighters provided that such acts or omissions were per-

formed in good faith and did not constitute gross negligence; that the law does not now provide such civil immunity; that the present state of the law results in inequitable burdens being placed upon such persons, and that this Act is immediately necessary to eliminate such inequity. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.”

16-5-101. Volunteer firefighters, etc. — Nonliability.

(a) No volunteer firefighter or board member of a volunteer fire department nor administrative personnel of a volunteer fire department shall be civilly liable for personal injury or property damage resulting from any act or omission of a volunteer firefighter in carrying out his or her official duties as a firefighter if the act or omission was in good faith and did not constitute gross negligence.

(b) The provisions of this section shall not apply to volunteer fire departments of incorporated cities or towns.

History. Acts 1987, No. 189, § 1.

Cross References. Dues for volunteer fire departments, § 14-20-108.

16-5-102. Damage resulting from installation of free smoke alarms — Liability.

(a) No volunteer firefighter shall be civilly liable for personal injury or property damage resulting from any act or omission in the installation of a smoke alarm provided free of charge if the act or omission did not constitute intentional wrongdoing.

(b) No board member of any fire department nor administrative personnel of any fire department shall be civilly liable for personal injury or property damage resulting from any act or omission of a volunteer firefighter in installation of a smoke alarm provided free of charge.

History. Acts 1991, No. 891, § 1.

CHAPTER 6

VOLUNTEER IMMUNITY

SUBCHAPTER.

1. VOLUNTEERS GENERALLY.
2. HEALTH CARE PROFESSIONALS.

Cross References. Liabilities of attorneys, § 16-22-301 et seq.

Division of Volunteerism, § 25-10-128.

Effective Dates. Acts 1987, No. 390, § 8: Mar. 25, 1987. Emergency clause provided: "It is hereby found and determined by the General Assembly that many persons contribute their valuable knowledge and services as unpaid volunteers in the promotion and performance of various programs administered by State and local agencies which are designed to meet the needs of the State and the several communities and that such persons should not be

held civilly liable for their acts or omissions in carrying out their authority and responsibilities as volunteers if such acts or omissions were performed in good faith and did not constitute gross negligence; that the law does not now specifically provide such civil immunity; that the present state of the law results in inequitable burdens being placed upon such persons; and that this Act is immediately necessary to eliminate such inequity. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the

public peace, health and safety shall be in full force and effect from and after its passage and approval.”

RESEARCH REFERENCES

U. Ark. Little Rock L.J. Survey — Torts, 10 U. Ark. Little Rock L.J. 609.

CASE NOTES

Charitable Immunity.

Although Arkansas still recognizes the common-law doctrine of charitable immunity, it is very narrowly construed; the following list is illustrative but not determinative of the factors used to determine whether an organization is entitled to charitable immunity: (1) whether the organization’s charter limits it to charitable or eleemosynary purposes; (2) whether the organization’s charter contains a “not-for-profit” limitation; (3) whether the or-

ganization’s goal is to break even; (4) whether the organization earned a profit; (5) whether any profit or surplus must be used for charitable or eleemosynary purposes; (6) whether the organization depends on contributions and donations for its existence; (7) whether the organization provides its service free of charge to those unable to pay; and (8) whether the directors and officers receive compensation. *Ouachita Wilderness Inst. v. Mergen*, 329 Ark. 405, 947 S.W.2d 780 (1997).

SUBCHAPTER 1 — VOLUNTEERS GENERALLY

SECTION.

16-6-101. Title.

16-6-102. Purpose.

16-6-103. Definitions.

16-6-104. Volunteer not vicariously liable
— Construction of subchapter.

SECTION.

16-6-105. Nonliability for damages — Exceptions.

A.C.R.C. Notes. Because Acts 1997, No. 276 enacted a subchapter 2, the exist-

ing provisions of this chapter have been designated as subchapter 1.

16-6-101. Title.

This subchapter may be cited as the “Arkansas Volunteer Immunity Act”.

History. Acts 1987, No. 390, § 2.

RESEARCH REFERENCES

Ark. L. Notes. Sampson, Nonprofit Risk; Nonprofit Insurance, 2008 Ark. L. Notes 83.

16-6-102. Purpose.

Since the spirit of volunteerism has long animated citizens of this state to give of their time and abilities to help others, the State of Arkansas would be wise to ensure that qualified volunteers shall not be civilly liable for personal injury or property damage resulting from any act or omission in carrying out their authority or responsibilities as volunteers. While there are no known recent instances in Arkansas where a volunteer has been subjected to personal liability for negligence in performing volunteer duties and there are no cases presently known to be pending, the recent publicity generated in relation to the perceived insurance crisis has heightened concern among many who would provide volunteer services, making it more difficult to provide certain important services, cultural and educational events, and other opportunities to the citizens of the State of Arkansas through voluntary services. This subchapter limits and defines the liability of volunteers in order to diminish their concern with regard to personal liability associated with volunteer work in order that the state might maximize this important human resource.

History. Acts 1987, No. 390, § 1.

16-6-103. Definitions.

As used in this subchapter, unless the context otherwise requires:

(1) "Qualified volunteer" means any person who of free will provides goods or services without financial compensation to or through any volunteer agency in connection with a volunteer program;

(2) "Volunteer agency" means any volunteer program of all departments, institutions, and divisions of state government, community volunteer organization, or any not-for-profit corporation which has received a 501(c)(3) designation from the United States Internal Revenue Service, other than one established principally for the recreational benefit of its stockholders or members; and

(3) "Volunteer activity" means any activity within the scope of any project, program, effort, or other regular activity sponsored by a volunteer agency with the intent to effect a charitable purpose or confer other public benefit, including, but not limited to, enhancement of the cultural, civic, religious, educational, scientific, or economic resources of the community.

History. Acts 1987, No. 390, § 3.

U.S. Code. The phrase "a 501(c)(3).

designation" refers to an exemption codified at 26 U.S.C. § 501(c)(3).

16-6-104. Volunteer not vicariously liable — Construction of subchapter.

(a) A qualified volunteer shall not be held vicariously liable for the negligence of another in connection with or as a consequence of his or her volunteer activities.

(b) Nothing in this subchapter shall be construed to limit the liability of a person acting outside the scope of the volunteer program.

(c) Nothing in this subchapter shall be construed to limit the liability of any volunteer agency.

History. Acts 1987, No. 390, §§ 4, 6, 7.

CASE NOTES

Volunteer Agency.

A juvenile rehabilitation camp housing juvenile offenders, as a volunteer agency, was not entitled to immunity under this subchapter, nor entitled to charitable im-

munity under the common-law doctrine of charitable immunity. *Ouachita Wilderness Inst. v. Mergen*, 329 Ark. 405, 947 S.W.2d 780 (1997).

16-6-105. Nonliability for damages — Exceptions.

A qualified volunteer shall not be liable in damages for personal injury or property damage sustained by one who is a participant in or a recipient, consumer, or user of the services or benefits of a volunteer by reason of any act or omission of a qualified volunteer in connection with the volunteer except as follows:

(1) Where the qualified volunteer is covered by a policy of insurance, in which case liability for ordinary negligence is limited to the amount of coverage provided;

(2) Where the qualified volunteer acts in bad faith or is guilty of gross negligence;

(3)(A) Where the qualified volunteer negligently operates a motor vehicle, aircraft, boat, or other powered mode of conveyance.

(B) If the actionable conduct of the qualified volunteer is covered by a policy of liability insurance, his or her liability for ordinary negligence shall be limited to the amount of the coverage provided; or

(4)(A) Where the qualified volunteer negligently performs professional services extended to an individual which the qualified volunteer is licensed under state law to perform, including, but not limited to, legal, engineering, and accounting services.

(B)(i) If the volunteer agency either provides or requires its professional volunteers to carry professional liability insurance in an amount customarily carried by a member of the profession involved, liability for ordinary negligence in rendering professional service shall be limited to the amount of coverage available or the amount required by the agency, whichever is larger.

(ii) This exception does not apply to nurses or similar health care providers rendering health care services or other professionals rendering professional services to a government entity, business, or volunteer agency.

History. Acts 1987, No. 390, § 5; 1997, No. 276, § 2.

Publisher's Notes. Pursuant to § 16-

6-201(d), the provisions of this section regarding licensed medical professionals are superseded by § 16-6-201.

Cross References. Volunteer immunity for licensed health care professionals, § 16-6-201.

CASE NOTES

Cited: King v. Little Rock Sch. Dist., 301 Ark. 148, 782 S.W.2d 574 (1990); Elliott v. Hurst, 307 Ark. 134, 817 S.W.2d 877 (1991).

SUBCHAPTER 2 — HEALTH CARE PROFESSIONALS

SECTION.

16-6-201. Indigent care — Regulations.

A.C.R.C. Notes. References to “this chapter” in subchapter 1 may not apply to this subchapter which was enacted subsequently.

Cross References. Immunity from liability for volunteer services by retired physicians and surgeons, § 17-95-106.

Effective Dates. Acts 2007, No. 120, § 2: Feb. 16, 2007. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that indigent individuals in this state are in need of professional dental care; that dental professionals are not sufficiently protected from liability for rendering their services voluntarily to indigent individuals; and that this act is immedi-

ately necessary because the lack of immunity causes dental professionals to be reluctant to provide dental services voluntarily and without compensation. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.”

16-6-201. Indigent care — Regulations.

(a) As used in this section, “health care professional” means a person who:

- (1) Is licensed or certified under Subtitle 3 of Title 17; or
- (2) Is a student or resident of a health care profession program leading to a professional degree, a license, or certification under Subtitle 3 of Title 17 who is:

(A) Providing services within the scope of the training of that student or resident; and

(B) Under the supervision of a person who is licensed in the health care profession for which the student is seeking a degree, a license, or a certification.

(b) A health care professional who renders health care services voluntarily and without compensation to any person at any free or low-cost health care clinic located in the State of Arkansas and registered by the State Board of Health that accepts no insurance payments and provides health care services free of charge to persons

unable to pay or provides health care services for a nominal fee shall not be liable for any civil damages for any act or omission resulting from the rendering of the health care services unless the act or omission was the result of the health care professional's gross negligence or willful misconduct.

(c)(1) The board may promulgate rules necessary to provide for the registration of free or low-cost health care clinics under this section.

(2) The regulations shall require that each person to whom health care services are provided:

(A) Has been fully informed before any treatment by the health care professional providing the services or by the staff of the health care clinic of the immunity from civil suit provisions of this section; and

(B) Has acknowledged that fact in writing on a form approved or designated by the Department of Health.

(d) The board and its members and the division and its agents and employees are exempt and immune from liability for any claims or damages when performing their duties under this section.

(e) The provisions of this section supersede the exception for licensed medical professionals under the Arkansas Volunteer Immunity Act, § 16-6-105.

History. Acts 1997, No. 276, § 1; 2007, No. 120, § 1; 2007, No. 837, § 1.

Amendments. The 2007 amendment substituted "health care" for "medical" throughout the section; substituted "Physicians, dentists, or other health care professionals" for "Physicians and health care

professionals" in (a); substituted "health care professional" for "physician" in (b)(2); inserted "and Human Services" in (b)(2)(B) and (c); and added (e).

Cross References. Program for indigent medical care, § 20-77-107.

CHAPTER 7

DISPUTE RESOLUTION

SUBCHAPTER.

1. ARKANSAS ALTERNATIVE DISPUTE RESOLUTION COMMISSION.
2. DISPUTE RESOLUTION PROCESSES.

Preambles. Acts 1993, No. 641 contained a preamble which read: "WHEREAS, formal judicial process can on occasion be disproportionately time consuming and costly for adequate resolution of certain kinds of disputes which arise in this state; and

"WHEREAS, the cumulative burden of disputes for which formal judicial proceedings are inadequate can be substantial; and

"WHEREAS, the ensuing frustrations springing from unresolved disputes vex

our citizens, and neglected disputes have the potential for escalating into more serious social consequences; and

"WHEREAS, the various forms of dispute resolution processes can increase access of the public to enhanced dispute resolution opportunities, and thereby amplify public regard and usage of the legal system and reduce the volume of matters which encumber the court system of this state.

"Therefore,"

RESEARCH REFERENCES

Am. Jur. Am. Jur. 2d (new topic service), Alt. Disp. Res. § 1 et seq.

SUBCHAPTER 1 — ARKANSAS ALTERNATIVE DISPUTE RESOLUTION COMMISSION

SECTION.

16-7-101. Purpose.

16-7-102. Arkansas Alternative Dispute Resolution Commission established — Terms of members — Meetings — Rules — Quorum.

SECTION.

16-7-103. Staffing.

16-7-104. Powers and duties of commission.

16-7-105 — 16-7-107. [Transferred.]

A.C.R.C. Notes. Due to the enactment of subchapter 1 of this chapter by Acts 1995, No. 673, the former provisions of this chapter have been redesignated as subchapter 2.

Effective Dates. Acts 1997, No. 250, § 258: Feb. 24, 1997. Emergency clause provided: "It is hereby found and determined by the General Assembly that Act 1211 of 1995 established the procedure for all state boards and commissions to follow regarding reimbursement of expenses and stipends for board members; that this act amends various sections of the Arkansas Code which are in conflict with the Act 1211 of 1995; and that until this cleanup act becomes effective conflicting laws will exist. Therefore an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor [sic], it shall become effective on the expiration of the period of time during which the Governor

may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

Acts 1997, No. 1354, § 51: Apr. 14, 1997. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act affects the method of selection of alternate members of the Legislative Council and Legislative Joint Auditing Committee and that this act is immediately necessary for proper continuity and efficiency in State government. Therefore an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

RESEARCH REFERENCES

Ark. L. Notes. Kilpatrick, How Much Do You Know (or Care) About Alternative

Disputer Resolution?, 1996 Ark. L. Notes 53.

16-7-101. Purpose.

The purpose of this subchapter is to encourage, promote, and develop voluntary alternative processes throughout the state to resolve disputes, cases, and controversies of all kinds.

History. Acts 1995, No. 673, § 1.

Publisher's Notes. Former § 16-7-101 has been renumbered as § 16-7-201.

16-7-102. Arkansas Alternative Dispute Resolution Commission established — Terms of members — Meetings — Rules — Quorum.

(a)(1)(A) There is hereby created the Arkansas Alternative Dispute Resolution Commission, which shall consist of seven (7) members.

(B)(i) Three (3) members shall be attorneys appointed by the Chief Justice of the Supreme Court, one (1) of whom shall have been recommended to the court by the Arkansas Bar Association.

(ii) One (1) member shall be appointed by the Speaker of the House of Representatives.

(iii) One (1) member shall be appointed by the President Pro Tempore of the Senate.

(iv) Two (2) members shall be appointed by the Governor.

(2) All members shall have demonstrated prior interest or involvement in alternative dispute resolution.

(3) At least one (1) commission member shall be an Arkansas resident considered to be a representative of voluntary or nonprofit alternative dispute resolution programs in the State of Arkansas.

(4) Each member shall serve for six (6) years.

(5) If any member dies, resigns, or is otherwise unable to serve prior to the expiration of the term, the appointing entity shall appoint a successor to serve the unexpired portion of the term.

(6) The members of the commission shall elect a chair.

(b) Members of the commission may receive expense reimbursement in accordance with § 25-16-902.

(c) The commission shall hold regular quarterly meetings each year on dates fixed by the commission and such special meetings as the commission determines are necessary.

(d) The commission may issue rules and regulations and shall publish rules for the regulation of its proceedings.

(e) A majority of the commission shall constitute a quorum.

History. Acts 1995, No. 673, §§ 2-5; 1997, No. 250, § 115; 1997, No. 1354, § 34; 2001, No. 1288, § 13.

A.C.R.C. Notes. Former § 16-7-102 has been renumbered as § 16-7-202.

As enacted by Acts 1995, No. 673, sub-

division (a)(4) began: "The first members of the commission shall draw for terms of two (2), four (4), or six (6) years and shall serve until their successors are appointed. Thereafter, ..."

16-7-103. Staffing.

(a) General staff support, facilities, and operating assistance for the Arkansas Alternative Dispute Resolution Commission shall be provided by the Administrative Office of the Courts from funds appropriated for that purpose by the General Assembly.

(b) The commission shall select a Coordinator of Alternative Dispute Resolution Programs who shall be an employee of the Administrative Office of the Courts.

(c) Other employees may be added by the commission as are needed to carry out the purposes of this subchapter.

History. Acts 1995, No. 673, § 6.

has been renumbered as § 16-7-203.

A.C.R.C. Notes. Former § 16-7-103

16-7-104. Powers and duties of commission.

The Arkansas Alternative Dispute Resolution Commission shall have the authority and responsibility to:

(1) Promote in a systematic manner the appropriate use of alternative dispute resolution;

(2) Provide education to the courts, other government agencies, and the public on the methods, advantages, and applications of alternative dispute resolution;

(3)(A) Establish standards and regulations for the certification, professional conduct, discipline, and training of persons who shall be eligible and qualified to serve as compensated mediators, negotiators, conciliators, arbitrators, or other alternative dispute resolution neutrals in and for state and local courts.

(B) However, nothing in this subchapter or in the standards and regulations promulgated by the commission shall in any way prevent the parties to the litigation from utilizing any recognized voluntary or nonprofit program of dispute resolution;

(4) Develop recommended guidelines, including the types of disputes which may be subject to alternative dispute resolution and standard procedures for mediation, and other forms of alternative dispute resolution;

(5) Assist state and local courts and governmental and other agencies with the development and implementation of alternative dispute resolution programs;

(6) Develop standardized forms for use in state and local courts and governmental and other agencies for the reference of cases to alternative dispute resolution and for the purpose of monitoring the use of alternative dispute resolution in the state;

(7) Establish fees to be levied by the courts and governmental and other agencies and paid by parties utilizing alternative dispute resolution processes;

(8) Apply for and accept gifts or grants from any public or private source for use in maintaining and improving alternative dispute resolution programs in the state; and

(9) Collect fees for tuition and registration of educational programs and to assist in maintaining a roster of third-party neutrals.

History. Acts 1995, No. 673, § 7; 1999, No. 602, § 1.

A.C.R.C. Notes. Former § 16-7-104 has been renumbered as § 16-7-204.

16-7-105 — 16-7-107. [Transferred.]

A.C.R.C. Notes. Former §§ 16-7-105 — 16-7-107 have been renumbered as §§ 16-7-205 — 16-7-207, respectively.

SUBCHAPTER 2 — DISPUTE RESOLUTION PROCESSES

SECTION.
16-7-201. Legislative purpose and intent.
16-7-202. Duty and authority of the courts.
16-7-203. Duty and authority of state and local officers and agencies and governments.
16-7-204. Counseling by attorneys.
16-7-205. Duty to keep records of dispute resolution efforts and to file annual reports.

SECTION.
16-7-206. Confidentiality of communications in dispute resolution procedures.
16-7-207. Immunity of impartial third parties.

A.C.R.C. Notes. Due to the enactment of subchapter 1 of this chapter by Acts 1995, No. 673, the former provisions of this chapter have been redesignated as subchapter 2.

Preambles. Acts 1993, No. 641 contained a preamble which read: “WHEREAS, formal judicial process can on occasion be disproportionately time consuming and costly for adequate resolution of certain kinds of disputes which arise in this state; and

“WHEREAS, the cumulative burden of disputes for which formal judicial proceedings are inadequate can be substan-

tial; and

“WHEREAS, the ensuing frustrations springing from unresolved disputes vex our citizens, and neglected disputes have the potential for escalating into more serious social consequences; and

“WHEREAS, the various forms of dispute resolution processes can increase access of the public to enhanced dispute resolution opportunities, and thereby amplify public regard and usage of the legal system and reduce the volume of matters which encumber the court system of this state.

“Therefore,”

RESEARCH REFERENCES

Ark. L. Notes. Kilpatrick, How Much Do You Know (or Care) About Alternative

Disputer Resolution?, 1996 Ark. L. Notes 53.

16-7-201. Legislative purpose and intent.

It is the intent of the General Assembly to:

(1) Encourage and authorize the use of dispute resolution processes throughout this state to resolve disputes, cases, and controversies of all

kinds. Such processes include, but are not limited to, negotiation, mediation, conciliation, arbitration, private judging, moderated settlement conferences, mediation-arbitration, fact finding, mini-trials, and summary jury trials;

(2) Encourage the development of new and the improvement of existing processes in this state; and

(3) Encourage the courts, the officers and employees of the courts of this state, state and local officers, departments, state and local governments and administrative agencies, state and local enforcement officers and agencies, prosecuting authorities and public defenders, and all other state and local officials, agencies, districts, and authorities to become versed in, accept, use, develop, and improve processes appropriate to the fair, just, and efficient resolution of disputes, cases, and controversies of all kinds in this state.

History. Acts 1993, No. 641, § 1.

A.C.R.C. Notes. This section was formerly codified as § 16-7-101.

RESEARCH REFERENCES

Ark. L. Rev. Moberly and Levine, The New Arkansas Appellate-Mediation Program, 61 Ark. L. Rev. 429.

16-7-202. Duty and authority of the courts.

(a)(1) It is the duty of each trial and appellate court of this state and each court is hereby vested with the authority to encourage the settlement of cases and controversies pending before it by suggesting the referral of a case or controversy to an appropriate dispute resolution process agreeable to the parties.

(2) On motion of all the parties, the court must make such an order of reference and continue the case or controversy pending the outcome of the selected dispute resolution process.

(b) In addition, each circuit and appellate court of this state is vested with the authority to order any civil, juvenile, probate, or domestic relations case or controversy pending before it to mediation.

(c) If a case or controversy is ordered to mediation, the parties may:

(1) Choose an appropriate mediator from a roster provided by the Arkansas Alternative Dispute Resolution Commission of those mediators who meet the commission's requirement guidelines for that type of case; or

(2) Select a mediator not on the commission's roster, if approved by the court.

(d)(1) A party may move to dispense with the order to mediate for good cause shown.

(2) For purposes of this subsection, "good cause shown" shall include, but not be limited to, a party's inability to pay the costs of mediation.

(e) Each court is further granted the discretionary authority to make at the request of a party appropriate orders to confirm and enforce the results produced by the dispute resolution process.

History. Acts 1993, No. 641, § 2; 2003, No. 1179, § 1.

A.C.R.C. Notes. This section was formerly codified as § 16-7-102.

RESEARCH REFERENCES

U. Ark. Little Rock L. Rev. Survey of Legislation, 2003 Arkansas General Assembly, Practice, Procedure, and Courts,

Mediation, 26 U. Ark. Little Rock L. Rev. 448.

CASE NOTES

Constitutionality.
Writ of prohibition was denied in a case challenging the constitutionality of subsection (b) of this section because a circuit court had jurisdiction to hear a motion relating to estate administration due to

Ark. Const., Amend. 80, § 6, and the constitutionality of a statute could have been heard by a circuit court and appealed. *Ellis v. Reynolds*, 368 Ark. 572, 247 S.W.3d 845 (2007).

16-7-203. Duty and authority of state and local officers and agencies and governments.

(a) It is the duty of all the elements of government expressed or implied by § 16-7-201(3), and they are hereby authorized, to use dispute resolution processes in resolving any and all disputes, cases, or controversies in which they may be directly or indirectly involved, whether between themselves and members of the public or between any other state or local officer, agency, government, or entity of this state or of any other state or any element or entity of the federal government.

(b) The elements of government expressed or implied by § 16-7-201 are authorized to use arbitration, private judging, mediation-arbitration, fact finding, mini-trials, and summary jury trials in resolving any and all disputes, cases, or controversies in which they may be directly or indirectly involved, whether between themselves and members of the public, or their employees or bona fide employee organizations, or corporations, or nonprofit organizations, or any other state or local officer, agency, government, or entity of this state or of any other state or any element or entity of the federal government, so long as the parties have agreed to participate. This subsection is permissive and not mandatory.

History. Acts 1993, No. 641, § 3; 2007, No. 1206, § 1.

A.C.R.C. Notes. This section was formerly codified as § 16-7-103.

Amendments. The 2007 amendment added (b) and made a related change.

16-7-204. Counseling by attorneys.

An attorney licensed in this state when practicing in this state is encouraged to advise his or her client about the dispute resolution process options available to him or her and to assist him or her in the selection of the technique or procedure, including litigation, deemed appropriate for dealing with the client's dispute, case, or controversy.

History. Acts 1993, No. 641, § 4.

A.C.R.C. Notes. This section was formerly codified as § 16-7-104.

16-7-205. Duty to keep records of dispute resolution efforts and to file annual reports.

The courts and all the other elements of government expressed or implied by § 16-17-201(3) may keep information concerning all their efforts to use dispute resolution processes, whether or not such efforts lead to successful outcomes.

History. Acts 1993, No. 641, § 5.

A.C.R.C. Notes. This section was formerly codified as § 16-7-105.

16-7-206. Confidentiality of communications in dispute resolution procedures.

(a) Except as provided by subsection (c) of this section, a communication relating to the subject matter of any civil or criminal dispute made by a participant in a dispute resolution process, whether before or after the institution of formal judicial proceedings, is confidential and is not subject to disclosure and may not be used as evidence against a participant in any judicial or administrative proceeding.

(b) Any record or writing made at a dispute resolution process is confidential, and the participants or third party or parties facilitating the process shall not be required to testify in any proceedings related to or arising out of the matter in dispute or be subject to process requiring disclosure or production of information or data relating to or arising out of the matter in dispute.

(c) If this section conflicts with other legal requirements for disclosure of communications or materials, the issue of confidentiality may be presented to the court having jurisdiction of the proceedings to determine in camera whether the facts, circumstances, and context of the communications or materials sought to be disclosed warrant a protective order of the court or whether the communications or materials are subject to disclosure.

History. Acts 1993, No. 641, § 6.

A.C.R.C. Notes. This section was formerly codified as § 16-7-106.

16-7-207. Immunity of impartial third parties.

No impartial third party administering or participating in a dispute resolution process shall be held liable for civil damages for any statement or decision made in connection with or arising out of the conduct of a dispute resolution process unless the person acted in a manner exhibiting willful or wanton misconduct.

History. Acts 1993, No. 641, § 7.

A.C.R.C. Notes. This section was formerly codified as § 16-7-107.

CHAPTERS 8, 9

[Reserved]

SUBTITLE 2. COURTS AND COURT OFFICERS**CHAPTER 10****GENERAL PROVISIONS****SUBCHAPTER.**

1. GENERAL PROVISIONS.
2. ACCOUNTING PRACTICES.
3. UNIFORM FILING FEES AND COURT COSTS.
4. JUDICIAL DISCIPLINE AND DISABILITY COMMISSION.
5. CIRCUIT COURT JUDGESHIPS AND REDISTRICTING.
6. FUNDING.
7. ADDITIONAL FILING FEES AND COURT COSTS.
8. SUBSTITUTE TRIAL COURT STAFF PERSONS.
9. COMPENSATION FOR RETIRED JUDGES APPOINTED TO TEMPORARY SERVICE.
10. ARKANSAS COURT SECURITY ACT.

A.C.R.C. Notes. References to “this chapter” in subchapters 1 and 2 may not apply to subchapters 3-10 which were enacted subsequently.

RESEARCH REFERENCES

Ark. L. Rev. Smith, The Influence of the Arkansas Supreme Court’s Opinions on Policy Made by the General Assembly: A Case Study, 18 U. Ark. Little Rock L.J. 441.

U. Ark. Little Rock L.J. Gingerich, Out of the Morass: The Move to State Funding of the Arkansas Court System, 17 U. Ark. Little Rock L.J. 249.

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

- 16-10-101. Administrative responsibilities of the Supreme Court.
- 16-10-102. Administrative Office of the Courts — Director — Cooperation of court officers.
- 16-10-103. Training and education of court personnel.
- 16-10-104. Courts of record.
- 16-10-105. Sittings of courts to be public.
- 16-10-106. Power to issue writs and process.
- 16-10-107. Process and proceedings to be in English language.
- 16-10-108. Contempt.
- 16-10-109. Reading of record — Signing.
- 16-10-110. Seals.
- 16-10-111. [Repealed.]
- 16-10-112. Proceedings not affected by lapse of term.
- 16-10-113. Change of term not to affect proceedings.
- 16-10-114. Courts not to open on Sunday — Exceptions.
- 16-10-115. Trial by temporary judge.
- 16-10-116. [Repealed.]
- 16-10-117. Judge temporarily assigned in district — Jury list.
- 16-10-118. Judicial officeholder as candidate for nonjudicial office — Resignation — Warrants void.

SECTION.

- 16-10-119. Travel expenses of judges.
- 16-10-120, 16-10-121. [Repealed.]
- 16-10-122. Sheriffs of courts.
- 16-10-123. Furnishing fuel, blank books, and stationery.
- 16-10-124. Enforcement of return of writ or process and payment of moneys.
- 16-10-125. Audit of accounts of sheriff and clerk.
- 16-10-126. [Repealed.]
- 16-10-127. Court interpreters.
- 16-10-128. Transcripts — Bills of exceptions.
- 16-10-129. [Repealed.]
- 16-10-130. Precedence given to criminal trials when victim under age of fourteen.
- 16-10-131. Exemption from overtime parking penalties.
- 16-10-132. Addresses of parties.
- 16-10-133. Trial court staff.
- 16-10-134. Trial court staff — Credit for county service.
- 16-10-135. Aids for the hearing or visually impaired.
- 16-10-136. Extrajudicial activities of justices and judges.
- 16-10-137. Administrative Office of the Courts — Annual report.
- 16-10-138. Mandatory reporter training.

A.C.R.C. Notes. Section 19 of Amendment 80 to the Arkansas Constitution provided that all municipal courts were to become district courts on January 1, 2005, and that they should assume the jurisdiction previously vested in municipal courts, police courts, justice of the peace courts, and courts of common pleas. Those courts were abolished by the amendment. City courts were to continue, but if abolished by the governing body of the city or by the General Assembly, the jurisdiction of the city court would then vest in the nearest district court.

Preambles. Acts 1959, No. 5 contained a preamble which read: "Whereas, Canon 30 of the Canons of Judicial Ethics of the American Bar Association provides that if a judge should decide to become a candidate for any office not judicial, he should resign in order that it cannot be said that

he is using the power or prestige of his judicial position to promote his own candidacy;

"Whereas, the Canons of Professional Ethics and Judicial Ethics have been approved by the bench and bar of the State of Arkansas...."

Acts 1981, No. 477 contained a preamble which read: "Whereas there are approximately 30,000 deaf citizens residing in the State of Arkansas; and

"Whereas, there is no provision in the laws of this State providing for an impartial and verbatim translation of court proceedings wherein deaf persons are either parties thereto or called as witnesses therein; and

"Whereas, this Act is necessary in order to insure the integrity of our judicial process in the eyes and minds of our deaf citizens;

"Now, therefore...."

Effective Dates. Acts 1931, No. 153, § 5: effective on passage.

Acts 1971, No. 536, § 2: Apr. 5, 1971. Emergency clause provided: "The General Assembly hereby finds that backlogs of criminal cases existing in some circuits may require the assignment of additional judges to said circuits in accordance with Act 496 of 1965; that it may be excessively time consuming and expensive to select a jury panel for said judges unless this act is passed; that this Act is necessary to fully implement Act 496 Of 1965; therefore, this Act being necessary for the expeditious dispatch of criminal cases within the State of Arkansas, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after the date of its passage and approval."

Acts 1971, No. 599, § 3: Apr. 7, 1971. Emergency clause provided: "It is hereby found and determined by the General Assembly that the salary of the executive secretary of the Judicial Department should be fixed from time to time by the General Assembly and the Appropriation Act establishing the biennial appropriation for the Judicial Department; and that the retirement benefits of the executive secretary should be clarified; and that only by the immediate passage of this Act may such objectives be accomplished. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1977, No. 209, § 4: Feb. 21, 1977. Emergency clause provided: "Because of drastic increases in the price of gasoline and other travel expenses in recent years and many judges are now suffering personal losses, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval."

Acts 1979, No. 82, § 3: Feb. 7, 1979; Acts 1980 (1st Ex. Sess.), No. 2, § 3: Jan. 25, 1980. Emergency clauses provided: "It is hereby found and determined by the General Assembly that in some courts in the State there is a serious backlog of cases, some of which have been pending in excess of a year; that it is essential to the

effective administration of justice that civil matters which have been pending on court dockets for a long period of time be heard and disposed of as soon as possible; that this Act is designed to provide a procedure for the prompt disposition of those cases that have been pending in the courts a year or more and should be given effect immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval."

Acts 1981, No. 357, § 3: became law without Governor's signature, Mar. 5, 1981. Emergency clause provided: "It is hereby found and determined by the General Assembly that the caseload for many courts in this State results in lengthy delays in the disposition of civil cases; that the appointment of licensed attorneys to litigate claims on agreement of the parties would greatly relieve the courts of this State from the burden of overcrowded dockets; and that this Act is immediately necessary to provide such relief. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1981, No. 981, § 4: became law without Governor's signature, Apr. 8, 1981. Emergency clause provided: "Because of drastic increases in the costs and maintenance of an automobile and in the price of gasoline and other travel expenses, and in the costs of supplies, equipment and other actual expenses in the performance of judicial duties in recent years, and that many judges are now suffering personal losses by being forced to pay the expenses of carrying on judicial duties from their salaries, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval."

Acts 1985, No. 334, § 6: July 1, 1985. Emergency clause provided: "It is hereby found and determined by the Seventy-Fifth General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness

of this Act on July 1, 1985 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1985 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1985."

Acts 1985, No. 569, § 3: Mar. 26, 1985. Emergency clause provided: "It is hereby found and determined by the General Assembly that there has been a tremendous increase in the number of offenses perpetrated against children in this State, that children of very tender years have increasing difficulty remembering past events necessary for a criminal prosecution the longer the length of time between the event and the trial, and that offenses against children are especially serious as to require, as nearly as possible, immediate removal of the offender from society. Therefore, this Act is necessary to shorten the time between the occurrence of the criminal offense and the trial and punishment of the perpetrator. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1985 (1st Ex. Sess.), No. 11, § 4: June 22, 1985. Emergency clause provided: "It is hereby found and determined by the Seventy-Fifth General Assembly, meeting in Extraordinary Session, that because of drastic increases in the costs and maintenance of an automobile and in the price of gasoline and other travel expenses, and in the costs of supplies, equipment and other actual expenses in the performance of judicial duties in recent years, and that many judges are now suffering personal losses by being forced to pay the expenses of carrying on judicial duties from their salaries, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval."

Acts 1993, No. 4, § 15: July 1, 1993. Emergency clause provided: "It is hereby found and determined by the Seventy-Ninth General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1993 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1993 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1993."

Acts 1995, No. 3, § 17: July 1, 1995. Emergency clause provided: "It is hereby found and determined by the Eightieth General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1995 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1995 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1995."

Acts 1995, No. 1256, § 23: Apr. 13, 1995. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that the current system of funding the state judicial system has created inequity in the level of judicial services available to the citizens of the state; and it is further determined that the current method of financing the state judicial system has become so complex as to make the administration of the system impossible, and the lack of reliable data on the current costs of the state judicial system prohibits any

comprehensive change in the funding of the system at this time. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval."

Acts 1997, No. 209, § 9: July 1, 1997. Emergency clause provided: "It is hereby found and determined by the Eighty-First General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1997 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1997 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1997."

Acts 1997, No. 788, § 36: became law without the Governor's signature. Noted Mar. 11, 1997. Effective July 1, 1997. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the effectiveness of this act on July 1, 1997 is essential to the operation of the state court system, and that in the event of an extension of the Regular Session, the delay in the effective date of this act beyond July 1, 1997 could work irreparable harm upon the proper administration and provision of essential governmental progress. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety, shall be in full force and effect from and after July 1, 1997."

Acts 1997, No. 1341, § 35: became law without the Governor's signature. Noted Apr. 11, 1997. Effective July 1, 1997. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the effectiveness of this act on July 1, 1997 is essential to the operation of the state court system, and that in the event of an extension of the Regular Session, the delay in the

effective date of this act beyond July 1, 1997 could work irreparable harm upon the proper administration and provision of essential governmental progress. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety, shall be in full force and effect from and after July 1, 1997."

Acts 1999, No. 1508, § 19: Apr. 15, 1999. Emergency clause provided: "It is hereby found and determined by the Eighty-second General Assembly that this act makes various technical corrections in the Arkansas Code; that this act further clarifies the law to provide that the Arkansas Code Revision Commission may correct errors resulting from enactments of prior sessions; and that this act should go into effect immediately in order to be applicable during the codification process of the enactments of this regular session. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

Acts 2001, No. 1314, § 2: Apr. 5, 2001. Emergency Clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the effectiveness of this act on July 1, 2001 is essential to the operation of the state court system, and that in the event of an extension of the Regular Session, the delay in the effective date of this act beyond July 1, 2001 could work irreparable harm upon the proper administration and provision of essential governmental progress. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it

shall become effective on the date the last house overrides the veto."

Acts 2003, No. 932, § 6: July 1, 2003. Emergency clause provided: "It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 2003 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 2003 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2003."

Acts 2003, No. 1031, § 7: Apr. 2, 2003. Emergency clause provided: "It is found

and determined by the General Assembly of the State of Arkansas that the 'Task Force to Study the Disparity in Sentencing for Persons Convicted of Non-violent Crimes' has found that it appears that some Arkansas citizens do not receive equitable sentences under the law; that it is necessary to compile statistical sentencing information in order to determine if disparities exist; and that this act is immediately necessary to allow the compiling of the needed statistical information in the first quarter of 2003. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

RESEARCH REFERENCES

ALR. Disqualification, for bias, of one offered as interpreter of testimony. 6 A.L.R.4th 158.

Delaying or obstructing discovery as basis for contempt proceeding. 8 A.L.R.4th 1181.

Admissibility of testimony concerning extrajudicial statements made to, or in presence of, witness through an interpreter. 12 A.L.R.4th 1016.

Failure of attorney to attend court, or tardiness, as contempt. 13 A.L.R.4th 122.

Prior representation or activity as prosecuting attorney as disqualifying judge from sitting or acting in criminal case. 16 A.L.R.4th 550.

Practice of law: statute prohibiting judge from engaging in. 17 A.L.R.4th 829.

Disqualification of judge because of assault or threat against him by party or person associated with party. 25 A.L.R.4th 923.

Failure to rise in courtroom as constituting criminal contempt. 28 A.L.R.4th 1250.

Oral communications insulting to particular state judge, made to third party out of judge's physical presence, as criminal contempt. 30 A.L.R.4th 155.

Attorney's use of objectionable questions and examination of witness in state judicial proceeding as contempt of court. 31 A.L.R.4th 1279.

Contrary order issued by another court: contempt based on violation of original court order. 36 A.L.R.4th 978.

Disqualification of judge in state proceedings to punish contempt against or involving himself in open court and in his actual presence. 37 A.L.R.4th 1004.

Failure to rise in state courtroom as constituting criminal contempt. 38 A.L.R.4th 563.

Intoxication as contempt of court. 46 A.L.R.4th 238.

Am. Jur. 20 Am. Jur. 2d, Courts, § 16 et seq.

Ark. L. Rev. Arkansas' Judiciary: Its History and Structure, 18 Ark. L. Rev. 152.

Administration of the Courts in Arkansas: Challenge, Performance, and Prospects, 30 Ark. L. Rev. 235.

C.J.S. 21 C.J.S., Courts, § 1 et seq.

U. Ark. Little Rock L.J. Gingerich, Out of the Morass: The Move to State Funding of the Arkansas Court System, 17 U. Ark. Little Rock L.J. 249.

16-10-101. Administrative responsibilities of the Supreme Court.

(a) The Supreme Court shall have general superintending control over the administration of justice in all courts in the State of Arkansas. The Chief Justice of the Supreme Court shall be directly responsible for the efficient operation of the judicial branch and of its constituent courts and for the expeditious dispatch of litigation therein and the proper conduct of the business of the courts.

(b)(1) Under rules prescribed by the Supreme Court, the Chief Justice may require reports from all courts of the state and may issue such orders and regulations as may be necessary for the efficient operation of those courts to ensure the prompt and proper administration of justice and may assign, reassign, and modify assignments of circuit and district court judges to hold, upon a temporary basis, regular or special sessions for the transaction of civil or criminal business within any other such court.

(2) The lower courts shall keep such adequate and uniform records as are required by law or as may be required by rule or order of the Supreme Court.

(c) The Supreme Court, with the assistance of the Director of the Administrative Office of the Courts, shall devise a uniform system of numbering, cataloging, and classifying cases in all the courts of record in this state, and the courts of record shall utilize the system in conducting the business of the courts.

(d) In the event of the absence of the Chief Justice or his or her inability to perform the duties described in this section, or as required by rule or order of the Supreme Court, the duties may be performed by the several associate justices of the Supreme Court in the order of their seniority of service on the Supreme Court.

History. Acts 1965, No. 496, § 1; 1973, No. 237, § 1; 1981, No. 489, § 1; A.S.A. 1947, § 22-142; Acts 1989, No. 760, § 1; 2003, No. 1185, § 38.

A.C.R.C. Notes. Acts 2003, No. 1711, § 1, provided: "(a) In order to assist the Arkansas General Assembly and the Arkansas Supreme Court with the respective duties and responsibilities which they are assigned under the Arkansas Constitution to establish the jurisdiction of state courts and to set the number and boundaries of circuit court districts, there is created the Circuit Court Apportionment Commission to be composed of the following persons:

"(1) The Chairman of the Senate Interim Committee on Judiciary or his or her designee, plus two (2) other members of the committee to be selected by the President Pro Tempore of the Senate;

"(2) The Chairman of the House Interim Committee on Judiciary or his or her designee, plus two (2) other members of the committee to be selected by the Speaker of the House;

"(3) The Chief Justice of the Arkansas Supreme Court or his or her designee, who shall serve as chair of the commission;

"(4) The President of the Arkansas Judicial Council;

"(5)(A) Two (2) circuit judges appointed by the Arkansas Judicial Council, one (1) of whom shall be a minority.

"(B) The judges shall be from different congressional districts;

"(6) The President of the Arkansas Bar Association or his or her designee; and

"(7) Two (2) persons appointed by the Governor, one (1) of whom shall be a minority.

"(b) In addition to the voting members

identified in subsection (a) of this section, the following persons shall serve as non-voting ex-officio members of the commission:

"(1) The Prosecutor Coordinator or his or her designee;

"(2) The Executive Director of the Public Defender Commission or his or her designee;

"(3) The dean of the University of Arkansas at Fayetteville School of Law, or his or her designee; and

"(4) The dean of the University of Arkansas at Little Rock School of Law or his or her designee.

"(c) The commission shall meet at the call of the chair and hold hearings between July 1, 2004, and December 31, 2004.

"(d) The commission shall review the current jurisdiction of state courts and the number and location of circuit court districts and make a recommendation to the Eighty-Fifth General Assembly and the

Arkansas Supreme Court.

"(e) The Administrative Office of the Courts shall provide necessary meeting space, staff, clerical support, and technical assistance to the commission."

Publisher's Notes. Acts 1981 (1st Ex. Sess.), No. 38, § 3, provided that the additional circuit-chancery judgeship created in each of the Eighth, Twelfth, and Nineteenth Circuit and Chancery Districts and the additional circuit judgeship created in the Sixth Circuit and Chancery District by § 1 of the act would be subject to the assignment authority of the Chief Justice, pursuant to this section, and requested that the Chief Justice utilize the services of these circuit-chancery judges in alleviating heavy caseloads in other circuit and chancery districts by use of such assignments.

As to name changes involving the Administrative Office of the Courts, see Publisher's Notes, § 16-10-102.

CASE NOTES

ANALYSIS

Assignments.

Newly Elected Judges.

Special Judges.

Assignments.

It is the parties' or trial court's responsibility to apprise the Supreme Court as to whether an assignment is necessary under this section. Once that assignment is made, that responsibility continues. *Neal v. Wilson*, 321 Ark. 70, 900 S.W.2d 177 (1995).

Newly Elected Judges.

Fact that a new circuit judge had been elected after judge's assignments did not, in itself, suggest the new circuit judge was not recused from trying the case. *Neal v. Wilson*, 321 Ark. 70, 900 S.W.2d 177 (1995).

Special Judges.

The exchange of circuits upon agreement of the circuit judges or the appointment of a judge by the Chief Justice were

alternative methods of selecting a judge to preside over the impaneling of a grand jury to investigate the trial judge of the circuit court. *State v. George*, 250 Ark. 968, 470 S.W.2d 593 (1971).

Where special judge, lawfully elected pursuant to Ark. Const., Art. 7, § 21 [repealed], had already exercised jurisdiction over pending case, his judgment would take priority over the judgments of a judge assigned at a later date pursuant to this section. *Wessell Bros. Foundation Drilling Co. v. Crossett Public School Dist.*, 287 Ark. 415, 701 S.W.2d 99 (1985).

Cited: *Henry v. Powell*, 262 Ark. 763, 561 S.W.2d 296 (1978); *Weston v. State*, 265 Ark. 58, 576 S.W.2d 705 (1979); *Hall v. Lowery*, 545 F. Supp. 1152 (E.D. Ark. 1982); *Burris v. Britt*, 281 Ark. 225, 663 S.W.2d 715 (1984); *Arkansas Dep't of Human Servs. v. Templeton*, 298 Ark. 390, 769 S.W.2d 404 (1989); *Waddle v. Sargent*, 313 Ark. 539, 855 S.W.2d 919 (1993); *Lee v. Lee*, 330 Ark. 310, 954 S.W.2d 231 (1997); *State v. Armstrong*, 331 Ark. 294, 960 S.W.2d 451 (1998).

16-10-102. Administrative Office of the Courts — Director — Cooperation of court officers.

(a)(1) There shall be an office for the administration of the nonjudicial business of the judicial branch which shall be known as the Administrative Office of the Courts.

(2) There shall be a Director of the Administrative Office of the Courts who shall be nominated by the Chief Justice, subject to the approval of the Supreme Court and the Judicial Council. Subsequent to the appointment, the director shall hold office at the pleasure of the Supreme Court.

(b) The director shall possess the same qualifications and shall be subject to the same restrictions as district judges.

(c) The director shall receive such salary as may be fixed from time to time by the biennial appropriations salary act for the Administrative Office of the Courts.

(d) The director shall not engage directly or indirectly in the practice of law and shall hold no other office or employment.

(e) The director, subject to the direction of the Supreme Court, shall perform the following functions:

(1) Examine the administrative methods of the courts and make recommendations to the Supreme Court for their improvement;

(2) Examine the state of the dockets of the courts, secure information as to their needs for assistance, if any, prepare statistical data and reports of the business of the courts, and advise the Supreme Court to the end that proper action may be taken;

(3) Examine the estimates of the courts of the state for appropriations and present to the Supreme Court recommendations concerning them;

(4) Examine the statistical systems of the courts and make recommendations to the Supreme Court for a uniform system of judicial statistics;

(5) Collect, analyze, and report to the Supreme Court statistical and other data concerning the business of the courts;

(6) With the approval of the Supreme Court and at the request of the Judicial Council, the director shall act as Secretary of the Judicial Council and shall perform such duties as may be assigned to him or her;

(7) Examine the data processing needs of the courts and make recommendations to the Supreme Court as to the purchase and use of hardware and software for computer systems, telecommunications systems, and microfilming systems, and provide education to the courts on the use of such systems so as to improve the quality and efficiency of justice in the state;

(8) Assist the Supreme Court in the operation of the Supreme Court Library;

(9) Attend to the other nonjudicial business of the judicial branch under such rules and regulations as the Supreme Court may by order adopt.

(f) The director shall, with the approval of the Supreme Court, appoint such assistants as may be necessary. He or she shall be provided with such office facilities as may be required.

(g) The director shall advise and assist clerks of trial courts in the keeping of records of their proceedings and shall make reports and recommendations in connection therewith to the Supreme Court, the trial judges, and the clerks of those courts.

(h) The clerks, officers, and employees of the courts shall comply with all requests of the director for information and statistical data relating to the business of the courts and the expenditure of public funds for their maintenance and operation. The director shall notify the Supreme Court of any noncompliance with such requests.

History. Acts 1965, No. 496, § 2; 1971, No. 599, § 1; 1973, No. 237, § 2; A.S.A. 1947, § 22-143; Acts 1989, No. 760, § 2.

A.C.R.C. Notes. Acts 2003, No. 1031, § 1, provided: "Intent. (a) Ethnic minorities appear to be over represented in the population of persons who are involved in the criminal justice system, charged as defendants, convicted, and incarcerated throughout the United States criminal justice systems.

"(b) It is the responsibility of criminal justice agencies and the courts in the State of Arkansas to ensure that all actions taken are based upon reasons other than the race of the defendant.

"(c) In order to allow the General Assembly to conduct a thorough review of the Arkansas criminal justice process, information on actions taken by criminal justice agencies and the courts must be reported in a timely, uniform, and consistent manner."

Publisher's Notes. Acts 1989, No. 761, § 1, provided: "(a) From and after the passage of this act, the 'Arkansas Judicial Department' shall be known and designated as the 'Administrative Office of the Courts', and the 'Executive Secretary' of the Arkansas Judicial Department shall be known as the 'Director' of the Administrative Office of the Courts.

"(b) Any and all statutes of the State of Arkansas now in force in which the insti-

tution now designated as 'Arkansas Judicial Department' shall be construed to refer to the 'Administrative Office of the Courts.' Said 'Administrative Office of the Courts' shall succeed to all rights and benefits and assume all the responsibilities of said 'Arkansas Judicial Department.'

"(c) Any and all statutes of the State of Arkansas now in force in which the official now designated as 'executive secretary' of the Arkansas Judicial Department shall be construed to refer to the 'director' of the Administrative Office of the Courts. Said 'director' shall succeed to all rights and benefits and assume all the responsibilities of said 'executive secretary'."

The Per Curiam Order of the Supreme Court of Arkansas, dated June 28, 1993, provided, in part: "All Supreme Court Committees, the Supreme Court Library, and the Director of Professional Programs will hereafter operate under the Administrative Office of the Courts and subject to the administrative authority of the Director of that Office. We do not place the constitutional offices of Supreme Court Reporter and Supreme Court Clerk, see Ark. Const. art. 7, § 7, under the Administrative Office of the Courts. They will remain directly responsible to the Supreme Court although we may choose to transfer certain administrative functions which have been handled by the Clerk to the Administrative Office of the Courts."

CASE NOTES

Cited: Hall v. Lowery, 545 F. Supp. 1152 (E.D. Ark. 1982).

16-10-103. Training and education of court personnel.

(a) The state’s responsibility for training and providing additional judicial education to circuit judges, district judges, city judges, circuit clerks, municipal clerks, case coordinators, court reporters, and all other personnel directly associated with the state’s courts shall be administered by the Administrative Office of the Courts.

(b) The Administrative Office of the Courts shall have the authority to assess and collect fees for tuition and registration for educational programs it offers.

History. Acts 1985, No. 334, § 3; A.S.A. 1947, § 22-158; Acts 2001, No. 1314, § 1.

16-10-104. Courts of record.

The Supreme Court, Court of Appeals, and all circuit and county courts shall be courts of record and shall keep just and faithful records of their proceedings.

History. Rev. Stat., ch. 43, § 13; A.S.A. 1947, § 22-101; Acts 2003, No. 1185, § 39.

CASE NOTES

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| <p>Applicability. This section applies to county courts. Adams v. Tackett, 236 Ark. 171, 365 S.W.2d 125 (1963).</p> | <p>Cited: Edens v. State, 258 Ark. 734, 528 S.W.2d 416 (1975).</p> |
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16-10-105. Sittings of courts to be public.

The sittings of every court shall be public, and every person may freely attend the sittings of every court.

History. Rev. Stat., ch. 43, § 19; C. & M. Dig., § 2103; Pope’s Dig., § 2707; A.S.A. 1947, § 22-109.

RESEARCH REFERENCES

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| <p>Ark. L. Notes. Watkins, Keeping the Courthouse Doors Open, 1984 Ark. L. Notes 51.</p> <p>Ark. L. Rev. Watkins, Open Meetings Under the Arkansas Freedom of Information Act, 38 Ark. L. Rev. 268.</p> | <p>Notes, The Free Press-Fair Trial Controversy: A New Standard for Closure Motions in Criminal Proceedings, 38 Ark. L. Rev. 403.</p> |
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CASE NOTES

ANALYSIS

Applicability.
Jury Selection.
Presence of Officers.
Pretrial Proceedings.
Voir Dire.

Applicability.

This section prohibits a trial court judge from excluding members of the public from a "Denno" hearing conducted pursuant to § 16-89-107 and from excluding a newspaper reporter unless she agrees to a censorship of any story she might write about the hearing. *Shiras v. Britt*, 267 Ark. 97, 589 S.W.2d 18 (1979).

Jury Selection.

Jury selection is a stage of the proceedings where openness is particularly appropriate under the guarantee of a public trial provided for in U.S. Const., Amend. 6, Ark. Const., Art. 2, § 10, and this section. *Memphis Publishing Co. v. Burnett*, 316 Ark. 176, 871 S.W.2d 359 (1994).

Presence of Officers.

In trials attracting large audiences, it is not improper to have enough officers to enforce order and to protect the accused from violence and to prevent his escape or possible rescue. Thus, in prosecution for murder, presence in the courtroom of numerous officers in uniform as well as certain United States Marines who attended either as spectators or as witnesses, the deceased having been a Marine, was a matter within the discretion of the trial court. *Rayburn v. State*, 200 Ark. 914, 141 S.W.2d 532 (1940).

Pretrial Proceedings.

In order to overcome the presumption of open pretrial hearings, the proponent of closure must demonstrate a substantial probability that (1) irreparable damage to the defendant's fair trial right will result from an open hearing, and (2) alternatives

to closure will not adequately protect the right to a fair trial. Additionally, the trial court's findings must be articulated and sufficiently specific to demonstrate on review that these requirements have been satisfied. *Arkansas Television Co. v. Tedder*, 281 Ark. 152, 662 S.W.2d 174 (1983).

Pretrial proceedings and their record must be open to the public, including representatives of the news media, and before an exception to that general rule is made, the test set out in *Arkansas Television Co. v. Tedder*, 281 Ark. 152, 662 S.W.2d 174 (1983), must be met; if that standard is met and a pleading is ordered sealed, it must be opened to the public as soon as the probability of irreparable damage to the accused's right to a fair trial no longer exists. *Arkansas Newspaper, Inc. v. Patterson*, 281 Ark. 213, 662 S.W.2d 826 (1984).

Pretrial proceedings should not have been closed to the public where there was no showing that a substantial probability that irreparable damage to the defendant's fair trial right would result from an open hearing and that alternatives to closure would not adequately protect the right to a fair trial. *Arkansas Newspaper, Inc. v. Patterson*, 281 Ark. 213, 662 S.W.2d 826 (1984).

Voir Dire.

The trial court lacks the authority to prohibit the public and press from the voir dire examination. *Commercial Printing Co. v. Lee*, 262 Ark. 87, 553 S.W.2d 270 (1977).

In accordance with this section and Ark. Const., Art. 2, § 10, the voir dire examination of the jury must be held in open court; the right to an open trial may be asserted by the public, the press, and the accused. *Taylor v. State*, 284 Ark. 103, 679 S.W.2d 797 (1984).

Cited: In re Arkansas Bar Ass'n, 271 Ark. 358, 609 S.W.2d 28 (1980); *Arkansas Dep't of Human Servs. v. Hardy*, 316 Ark. 119, 871 S.W.2d 352 (1994).

16-10-106. Power to issue writs and process.

All courts shall have power to issue all writs and process which may be necessary in the exercise of their respective jurisdiction, according to the principles and usages of law.

History. Rev. Stat., ch. 43, § 20; C. & M. Dig., § 2104; Pope's Dig., § 2708; A.S.A. 1947, § 22-110.

CASE NOTES

ANALYSIS

Contempt.
Scope of Authority.
Supersedeas.

Contempt.

Failure to comply with order of county court could be punished as contempt by proper proceeding. *Penix v. Shaddox*, 165 Ark. 152, 263 S.W. 389 (1924).

Scope of Authority.

Although this section provides that all courts shall have the power to issue process which may be necessary in the exercise of their respective jurisdictions, it does not provide the trial court with carte blanche authority to issue orders of body attachment, detention, and custody, while

ignoring portions of statutory provisions relating to contempt proceedings, such as § 16-10-108(c), and without affording procedural protections of due process of law to the parties being placed in arrest and custody. *Bates v. McNeil*, 318 Ark. 764, 888 S.W.2d 642 (1994).

Supersedeas.

The circuit court may issue supersedeas to stay proceedings in case appealed to that court in order to preserve the status quo. *Reese v. Steel*, 73 Ark. 66, 83 S.W. 335 (1904); *Williams v. Buchanan*, 84 Ark. 404, 106 S.W. 202 (1907); *Strangways v. Ringgold*, 106 Ark. 433, 153 S.W. 619 (1913).

Cited: *Hunter Wasson Pulpwood v. Banks*, 270 Ark. 404, 605 S.W.2d 753 (Ct. App. 1980).

16-10-107. Process and proceedings to be in English language.

All writs, process, proceedings, and records in any court shall be in the English language, except that the proper and known name of process and technical words may be expressed in the language commonly used. They shall be made out on paper or parchment, in a fair and legible character, in words at length and not abbreviated; but such abbreviations as are commonly used in the English language may be used. Numbers may be expressed by Arabic figures or Roman numerals in the customary way.

History. Rev. Stat., ch. 43, § 18; C. & M. Dig., § 2102; Pope's Dig., § 2706; A.S.A. 1947, § 22-108.

16-10-108. Contempt.

(a) Every court of record shall have power to punish, as for criminal contempt, persons guilty of the following acts and no others:

(1) Disorderly, contemptuous, or insolent behavior committed during the court's sitting, in its immediate view and presence, and directly tending to interrupt its proceedings or to impair the respect due to its authority;

(2) Any breach of the peace, noise, or disturbance directly tending to interrupt its proceedings;

(3) Willful disobedience of any process or order lawfully issued or made by it;

(4) Resistance willfully offered by any person to the lawful order or process of the court; and

(5) The contumacious and unlawful refusal of any person to be sworn as a witness and when so sworn a similar refusal to answer any legal and proper interrogatory.

(b)(1) Punishment for contempt is a Class C misdemeanor.

(2) A court shall always have power to imprison until its adjournment.

(3) When any person is committed to prison for the nonpayment of any such fine, he or she shall be discharged at the expiration of thirty (30) days.

(c) Contempts committed in the immediate view and presence of the court may be punished summarily. In other cases, the party charged shall be notified of the accusation and shall have a reasonable time to make his or her defense.

(d)(1) Whenever any person is committed for a contempt under the provisions of this section, the substance of his or her offense shall be set forth in the order or warrant of commitment.

(2) Nothing in subdivision (d)(1) of this section shall be construed to extend to any proceedings against parties or officers, as for contempt, for the purpose of enforcing any civil right or remedy.

(e) A person punished for contempt under subsections (a)-(d) of this section shall, notwithstanding, be liable to an indictment for the contempt if the contempt is an indictable offense, but the court before which a conviction may be had on such an indictment shall, in forming its sentence, take into consideration the punishment previously inflicted.

History. Rev. Stat., ch. 43, §§ 37-42; C. & M. Dig., §§ 1484-1489; Pope's Dig., §§ 1784-1789; A.S.A. 1947, §§ 34-901 — 34-906; Acts 2005, No. 1994, § 410.

Amendments. The 2005 amendment rewrote (b)(1); inserted "or she" in (b)(3); and inserted "or her" in (c) and (d)(1).

Cross References. Contempts not committed in presence or hearing of courts, or in disobedience of process, Ark. Const., Art. 7, § 26.

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CASE NOTES

ANALYSIS

Constitutionality.

Purpose.

Applicability.

Actions Constituting Contempt.

—Disobeying Order.

—Disobeying Process.

—Failure to Answer Question.

—Intoxication.

—Publications.

—Statements.

Actions Not Constituting Contempt.

Actions Outside Court's Presence.

Appeal.

Authority of Court.

Court Orders.

Due Process.

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Penalty.

Punishment.

Service of process.

Constitutionality.

This section, which sets forth the powers of the court in punishing criminal contempt, is not a limitation on the power of the court to inflict punishment for disobedience of process, for, under Ark. Const., Art. 7, § 26, the legislature cannot abridge the power of the courts to punish for contempt in disobedience of their process; the constitution specially reserved this inherent power in the courts when delegating authority to the legislature to regulate punishments for contempts. *Yarbrough v. Yarbrough*, 295 Ark. 211, 748 S.W.2d 123 (1988).

Where a juvenile was deprived of his right to counsel during a contempt proceeding because the juvenile only had the services of an attorney ad litem and not a defense attorney, the juvenile's due process rights were violated and the court's orders were invalid. *Ark. Dep't of Human Servs. v. Mainard*, 358 Ark. 204, 188 S.W.3d 901 (2004).

Purpose.

The purpose of a criminal contempt proceeding is that it is brought to preserve the power and vindicate the dignity of the court and to punish for disobedience of its order. A civil contempt proceeding is instituted to preserve and enforce the rights of

private parties to suits and to compel obedience to orders and decrees made for the benefit of those parties. *Fitzhugh v. State*, 296 Ark. 137, 752 S.W.2d 275 (1988).

Applicability.

Subsection (b) of this section does not apply to contempts committed by offering physical violence to judge at time when court is not in session. *Weldon v. State*, 150 Ark. 407, 234 S.W. 466 (1921).

Evidence was sufficient to support a finding of contempt against the attorney where the attorney frequently interrupted the judge and argued with him; however, the appellate court found that the justification for contempt would be served by reducing the attorney's jail sentence from 10 days to three days, with credit given for time served. *McCullough v. State*, 353 Ark. 362, 108 S.W.3d 582 (2003).

Contrary to the attorney's argument, the father, through his guardian ad litem, did not file a motion for contempt under subsection (c) of this section, but rather filed a motion to quash the deposition, which contained a request for sanctions under Ark. R. App. P. Civ. 11; the trial court did not enter a contempt order against the attorney, but he argued such on appeal and did not develop an argument regarding the Rule 11 sanctions, and because he failed to do so, the court refused to develop an argument for him and thus the court affirmed. *McDermott v. Sharp*, 371 Ark. 462, 267 S.W.3d 582 (2007).

Actions Constituting Contempt.

Interfering with property in custody of law with or without consent of the attaching officer is contempt. *Atkins v. Swope*, 38 Ark. 528 (1881).

Preventing a party from attending court is contempt. *Turk v. State*, 123 Ark. 341, 185 S.W. 472 (1916).

—Disobeying Order.

Court may refuse to hear a party in contempt for disobeying its order. *Pickett v. Ferguson*, 45 Ark. 177 (1885).

It is a contempt of the Supreme Court for a clerk to contumaciously disobey an order to furnish a transcript of the record in a case when commanded by writ of error, mandamus, or other legal method.

Barstow v. Pine Bluff, M. & N.O.R.R., 54 Ark. 551, 16 S.W. 574 (1891).

When a receiver has been appointed and has taken possession of property under his appointment, it is a contempt to attempt to deprive him of that possession by force or by judicial proceedings without the permission of the court that made the appointment. *Walker v. Geo. Taylor Comm'n Co.*, 56 Ark. 1, 18 S.W. 1056; 19 S.W. 601 (1892).

Party held guilty of contempt for willful disobedience of court's order. *Hervey v. Hervey*, 186 Ark. 179, 52 S.W.2d 963 (1932); *Hall v. State*, 237 Ark. 293, 372 S.W.2d 603 (1963).

Where the failure or refusal to abide by an order of the court is the issue, the appellate court does not look behind the order to determine whether the order is valid. *Carle v. Burnett*, 311 Ark. 477, 845 S.W.2d 7 (1993).

Attorney's actions in disobeying the court's order fell within the inherent powers of the court to punish for contempt under Ark. Const., Art. 7, § 26 and the court was not bound by the limitations set out in this section. *Carle v. Burnett*, 311 Ark. 477, 845 S.W.2d 7 (1993).

Attorney jailed five days for criminal contempt for his willful and continued disobedience of the Supreme Court's per curiam orders directing him to file the abstract and brief in a criminal appeal. *Pipkin v. State*, 320 Ark. 159, 896 S.W.2d 432 (1995).

Attorneys, found in contempt for failing to comply with directives, demonstrated not only mismanagement of their client's affairs, but also an inability to fulfill their obligations to the Supreme Court in failing to file a brief, even after extensions of time were granted to do so. *Stone v. State*, 321 Ark. 501, 902 S.W.2d 231 (1995).

Actions in violating orders enjoining parties' massive Christmas light displays fell within the inherent power of the court to punish for contempt. *Osborne v. Power*, 322 Ark. 229, 908 S.W.2d 340 (1995).

The court denied a petition for writ of certiorari on the issue of whether a citation for contempt was appropriate where a circuit court held two prosecuting attorneys in contempt and incarcerated them after they refused to proceed with the jury trial in a criminal case in contravention of the scheduling order. *Johnson v. Johnson*, 343 Ark. 186, 33 S.W.3d 492 (2000).

—Disobeying Process.

Where a party having actual notice of the issuance of a writ of injunction against him evades the service of the writ and violates the injunction, he is guilty of contempt, if the court had jurisdiction to make the order. *Pitcock v. State*, 91 Ark. 527, 121 S.W. 742 (1909).

One who, even without force or intimidation or direct refusal to obey process, hinders or prevents the prompt service thereof by deception or artifice is guilty of contempt of court. *Bryan v. State*, 99 Ark. 163, 137 S.W. 561 (1911).

Petitioner held guilty of contempt for failure to respond to subpoena. *Morrow v. Roberts*, 250 Ark. 822, 467 S.W.2d 393 (1971).

Process, in the sense of this section, is a comprehensive term which includes all writs, rules, orders, executions, warrants, or mandates issued during the progress of an action, even those used to carry a judgment into effect, including a commitment to prison for a criminal offense or for contempt. *Henderson v. Dudley*, 264 Ark. 697, 574 S.W.2d 658 (1978).

The portion of a commitment order of the court concerning custody of defendant constituted process of the court. *Henderson v. Dudley*, 264 Ark. 697, 574 S.W.2d 658 (1978).

This section is not a limitation on the power of the courts to impose punishment for disobedience of process, because under Ark. Const., Art. 7, § 26 the legislature cannot abridge the power of the courts to punish for contempt in disobedience of their process. *Arkansas Dep't of Human Servs. v. Clark*, 305 Ark. 561, 810 S.W.2d 331 (1991).

Refusal to comply with a court order was "disobedience of process" even though the order was not in writing. *Carle v. Burnett*, 311 Ark. 477, 845 S.W.2d 7 (1993).

—Failure to Answer Question.

A witness adjudged in contempt for failure to answer, after stating that to answer would criminate himself, was denied an appeal. *Cossart v. State*, 14 Ark. 538 (1854).

The fact that the questions asked a witness are irrelevant or improper furnishes no reason for impeaching the commitment for contempt. *Ex parte Butt*, 78 Ark. 262, 93 S.W. 992 (1906).

—Intoxication.

Defendant who appeared in court intoxicated was guilty of contempt even if defendant intended no disrespect. *Burradell v. State*, 326 Ark. 182, 931 S.W.2d 100 (1996).

—Publications.

Any citizen has the right to comment upon proceedings and decisions of the court, to discuss their correctness and the fitness or unfitness of the judges, but he has no right to degrade the court by libelous publications which are an abuse of the liberty of the press. *State v. Morrill*, 16 Ark. 384 (1855).

Distribution of pamphlet tended to interfere with the orderly conduct of the judiciary by creating a clear and present danger to the administration of justice, and provided basis for contempt conviction. *Tupy v. State*, 234 Ark. 821, 354 S.W.2d 728 (1962).

—Statements.

It was a contempt of court for an attorney to assert in open court that he had heard the court was corrupt. *Davies v. State*, 73 Ark. 358, 84 S.W. 633 (1903).

Mere spoken words to a lawyer out of the presence of the court, which make no threat or attempt to interfere in any proceeding, do not amount to criminal contempt. *Edwards v. Jameson*, 284 Ark. 60, 679 S.W.2d 195 (1984).

Attorney's argument that the chancellor was biased and had already made her mind up about the case, that she had allowed a worst case scenario to take place, and that she would not even listen to him, was disrespectful and tended to impair the respect due the court's authority. Thus, it was contumacious. *Hodges v. Gray*, 321 Ark. 7, 901 S.W.2d 1 (1995).

Actions Not Constituting Contempt.

Filing repeated motions which are thought to be for the purpose of vexation or delay does not constitute contempt. *Johnson v. State*, 87 Ark. 45, 112 S.W. 143 (1908).

Evidence insufficient to establish contempt. *Ex parte Winn*, 105 Ark. 190, 150 S.W. 399 (1912).

Motion asking judge to recuse himself which contained allegations of criminal misconduct was not contemptuous and was not sufficient to form the basis of a conviction for criminal contempt. *Clark v.*

State, 291 Ark. 405, 725 S.W.2d 550 (1987).

Trial court had not issued an order commanding defense attorney from raising issue of informant's prior arrest and misdemeanor convictions for the purpose of showing informant's motive, plan or intent and could not find him in contempt for doing so. *McCullough v. Lessenberry*, 300 Ark. 426, 780 S.W.2d 9 (1989).

Actions Outside Court's Presence.

In contempts not committed in the court's presence, the court may initiate the proceeding to punish the contemnor by a statement or order spread upon the record, but notice thereof should be given to the defendant and a reasonable time afforded him to make his defense. *Lee v. State*, 102 Ark. 122, 143 S.W. 909 (1912).

There must be an accusation in court and notice to accused when contempt is committed outside presence of the court. *Ex parte Coulter*, 160 Ark. 550, 255 S.W. 15 (1923).

Contempt, as defined in this section, also includes breach of the peace in matters occurring outside the courtroom which tend to interrupt its proceedings; of course, willful disobedience of any lawful order of the court is considered contumacious conduct. *Edwards v. Jameson*, 284 Ark. 60, 679 S.W.2d 195 (1984).

This section merely requires, where the contempt is not committed in the court's presence, that the party charged be notified and have reasonable time to make this defense. *Nelson v. Nelson*, 20 Ark. App. 85, 723 S.W.2d 849 (1987).

Persons accused of criminal attempt committed outside the court's view must be first notified by a writing, sufficiently definite to inform them to a reasonable degree of certainty of the charge against them, and then be afforded a reasonable time and opportunity to prepare and defend themselves against the charge. *Arkansas Dep't of Human Servs. v. Shipman*, 25 Ark. App. 247, 756 S.W.2d 930 (1988).

An attorney's conduct in failing to appear occurs outside of presence of court and thus is indirect contempt which may not be summarily punished. *Allison v. Dufresne*, 340 Ark. 583, 12 S.W.3d 216 (2000).

Appeal.

All criminal contempt cases are to be reviewed by appeal instead of certiorari.

Frolic Footwear, Inc. v. State, 284 Ark. 487, 683 S.W.2d 611 (1985).

The proper procedure for the review of a citation holding a party's attorney in criminal contempt is for the attorney, not the party, to appeal the conviction. Marsh v. Hoff, 15 Ark. App. 272, 692 S.W.2d 270 (1985).

In an appeal of a case of criminal contempt, the appellate court will view the record in the light most favorable to the decision of the trial judge and sustain that decision if it is supported by substantial evidence. Carle v. Burnett, 311 Ark. 477, 845 S.W.2d 7 (1993).

The Arkansas Supreme Court has jurisdiction of appeals in cases involving the discipline of attorneys-at-law, including contempt citations, pursuant to S. Ct. & Ct. App. Rule 1-2(a)(5). Davis v. State, 319 Ark. 171, 889 S.W.2d 769 (1994).

A writ of prohibition is not an appropriate vehicle for requesting that a contempt citation be reviewed and set aside. Davis v. State, 319 Ark. 171, 889 S.W.2d 769 (1994).

Authority of Court.

The right to punish for contempt is inherent in all courts. Neel v. State, 9 Ark. 259 (1849); Edwards v. Jameson, 284 Ark. 60, 679 S.W.2d 195 (1984).

This section is merely declaratory of what the law was before its passage; the prohibiting clause is entitled to respect as an opinion of the legislature but is not binding upon the courts. State v. Morrill, 16 Ark. 384 (1855).

Courts may go beyond the powers given by statute to enforce their constitutional powers when acts in contempt invade them. Lee v. State, 102 Ark. 122, 143 S.W. 909 (1912).

Subsection (b) of this section is not a limitation on power of courts to punish for contempt for disobedience of process. Spight v. State, 155 Ark. 26, 243 S.W. 860 (1922).

Order of chancery court appointing committee to investigate a law firm on charges of contempt and alleged violation of Code of Professional Ethics exceeded jurisdiction of court. Davis v. Merritt, 252 Ark. 659, 480 S.W.2d 924 (1972).

The fact that the actions on which the charge is based may constitute a criminal offense does not affect the jurisdiction of the court to punish the offender for con-

tempt. Henderson v. Dudley, 264 Ark. 697, 574 S.W.2d 658 (1978).

Power to punish for contempt includes the right to inflict reasonable and appropriate punishment upon an offender against the authority and dignity of the court. Edwards v. Jameson, 284 Ark. 60, 679 S.W.2d 195 (1984).

Inherent power to punish for contempt resides in all courts, and such power cannot be removed by enactment of laws to the contrary. Smith v. Smith, 28 Ark. App. 56, 770 S.W.2d 205 (1989).

The standard regarding the inherent power of the court to sentence someone for contempt under this section is included in Ark. Const., Art. 7, § 26. Carle v. Burnett, 311 Ark. 477, 845 S.W.2d 7 (1993).

Subdivision (a)(3) of this section is not a limitation on the power of the court to impose punishment for disobedience of process. Carle v. Burnett, 311 Ark. 477, 845 S.W.2d 7 (1993).

Although § 16-10-106 provides that all courts shall have the power to issue process which may be necessary in the exercise of their respective jurisdictions, it does not provide the trial court with *carte blanche* authority to issue orders of body attachment, detention, and custody, while ignoring portions of statutory provisions relating to contempt proceedings, such as subsection (c) of this section, and without affording procedural protections of due process of law to the parties being placed in arrest and custody. Bates v. McNeil, 318 Ark. 764, 888 S.W.2d 642 (1994).

Whether or not defendant's behavior falls into one of the five categories in subsection (a) of this section, a court has inherent power to punish contemptuous behavior committed in its presence, without regard to the restrictions imposed by subsection (a); summary punishment for contempt committed in the presence of the court is an inherent power reserved to the judiciary and cannot be abridged by legislation. Burradell v. State, 326 Ark. 182, 931 S.W.2d 100 (1996).

Court Orders.

Before a person may be held in contempt for violating a court order, that order must be in definite terms as to the duties thereby imposed upon him, and the command must be expressed rather than implied. McCullough v. Lessenberry, 300 Ark. 426, 780 S.W.2d 9 (1989).

Due Process.

The Due Process Clause, as applied in criminal proceedings, requires that an alleged contemnor be notified that a charge of contempt is pending against him and be informed of the specific nature of that charge, and where notice of the charge and the nature thereof are not given, the judgment of conviction for contempt must be reversed. *Fitzhugh v. State*, 296 Ark. 137, 752 S.W.2d 275 (1988).

Appellant was not denied due process in contempt proceedings where he was afforded the rights required under this section, appellant acknowledged receipt of the motions which explained how he failed to comply with the order requiring him to provide certain financial information, he was given notice of the contempt hearing, and he was given the opportunity to present a defense at that hearing. *Stillely v. Fort Smith Sch. Dist.*, 367 Ark. 193, 238 S.W.3d 902 (2006).

Jurisdiction.

Trial court erred in finding the defendant in contempt of court at his third probation revocation hearing because it lost jurisdiction to do so after it executed his sentence at his second revocation hearing by accepting his guilty plea and ordering him to pay a balance of fines, fees, and court costs. *Pike v. State*, 344 Ark. 478, 40 S.W.3d 795 (2001).

Notice.

In action for contempt of court where accused was informed of the basis of the alleged contempt in the attachment, was further advised of facts constituting the charge at the outset of the hearing, and was given an opportunity to make his defense, which he presented, that procedure was in full compliance with this section. *Hall v. State*, 237 Ark. 293, 372 S.W.2d 603 (1963).

Contempt order held deficient and set aside where it failed to inform defendant with reasonable certainty of the facts constituting the offense. *Taliaferro v. Taliaferro*, 252 Ark. 1078, 483 S.W.2d 189 (1972).

Notice held sufficient. *Henderson v. Dudley*, 264 Ark. 697, 574 S.W.2d 658 (1978).

There is no statutory requirement that the accused be given notice prior to the issuance of an order to show cause. *Hend-*

erson v. Dudley, 264 Ark. 697, 574 S.W.2d 658 (1978); *Clark v. State*, 287 Ark. 221, 697 S.W.2d 895 (1985).

Notice held waived. *Clark v. State*, 287 Ark. 221, 697 S.W.2d 895 (1985).

Where defendant, who had appeared for a hearing on a petition to revoke a suspended sentence, was then first made aware of a criminal contempt charge and the nature and degree of the offense charged, his conviction of criminal contempt was reversed. *Sellers v. State*, 50 Ark. App. 32, 901 S.W.2d 853 (1995).

The Department of Human Services received constitutionally adequate notice of a show cause order on contempt; although it did not receive written notice of the first scheduled hearing, it was served with notice of the second scheduled hearing. *Arkansas Dep't of Human Servs. v. R. P.*, 333 Ark. 516, 970 S.W.2d 225 (1998).

Notice of a criminal contempt proceeding was adequate where (1) the contemnor was personally served with a show cause order for the first hearing, (2) although the order did not describe the offense or order that was violated, she was present at the hearing where the matter was discussed, and (3) she was informed by telephone of the date of the second hearing. *Arkansas Dep't of Human Servs. v. R. P.*, 333 Ark. 516, 970 S.W.2d 225 (1998).

Penalty.

An unconditional penalty is criminal in nature because it is solely and exclusively punitive in character whereas a conditional penalty is civil because it is specifically designed to compel the doing of some act. *Fitzhugh v. State*, 296 Ark. 137, 752 S.W.2d 275 (1988).

Where a fine is unconditional and is to be paid to the court, the punishment is punitive in nature as it has no coercive or compensatory aspect, and the contempt proceeding is criminal in nature. *Fitzhugh v. State*, 296 Ark. 137, 752 S.W.2d 275 (1988).

Where a circuit court judge held two prosecuting attorneys in contempt after they refused to proceed with the jury trial in a criminal case in contravention of the scheduling order and ordered them incarcerated, the court modified the contempt punishment to time already served in jail and assessed a \$100 fine against each prosecutor. *Johnson v. Johnson*, 343 Ark. 186, 33 S.W.3d 492 (2000).

Punishment.

Imprisonment for contempt in disobeying an order to turn over specific funds found to be in defendant's hands is not an imprisonment for debt. *Meeks v. State*, 80 Ark. 579, 98 S.W. 378 (1906).

An order for the restitution of specific property or funds will be enforced by punishment for contempt only where the court has first found that such property or funds are in possession or under the control of the person ordered to make the restitution. *Dodson v. Butler*, 101 Ark. 416, 142 S.W. 503 (1912).

Punishment held excessive. *Morrow v. Roberts*, 250 Ark. 822, 467 S.W.2d 393 (1971).

Only contempts committed in the immediate view and presence of the trial court

may be summarily punished; in all other cases, the party charged with contempt shall be notified of the accusation and afforded a reasonable time to make a defense. *Harvell v. Harvell*, 36 Ark. App. 24, 820 S.W.2d 463 (1991).

A sentence of 90 days in jail was held excessive. *Carle v. Burnett*, 311 Ark. 477, 845 S.W.2d 7 (1993).

Service of process.

Service in a criminal contempt proceeding was governed by this section, rather than ARCrP 6.3. *Arkansas Dep't of Human Servs. v. R. P.*, 333 Ark. 516, 970 S.W.2d 225 (1998).

Cited: *Hilton Hilltop, Inc. v. Riviere*, 268 Ark. 532, 597 S.W.2d 596 (1980); *Arkansas Dep't of Human Servs. v. Gruber*, 39 Ark. App. 112, 839 S.W.2d 543 (1992).

16-10-109. Reading of record — Signing.

Full entries of the orders and proceedings of all courts of record of each day shall be read in open court on the morning of the succeeding day. However, on the last day of the term, the minutes shall be read and signed at the rising of the court.

History. Rev. Stat., ch. 43, § 16; C. & M. Dig., § 2100; Pope's Dig., § 2704; A.S.A. 1947, § 22-106.

CASE NOTES**ANALYSIS**

Judgments.
Signing.

Judgments.

This section contemplates that the judgments entered do not become the pronouncements of the court until they have been approved by the court. *Stanton v. Arkansas Democrat Co.*, 194 Ark. 135, 106 S.W.2d 584 (1937).

Signing.

This section does not require the circuit judge to sign the record of the preceding day every morning, but only at the close of the term, and the omission of the judge to sign the record at the close of the term will not invalidate judgments and decrees of the term, though such omission would be gross negligence and subject the judge to animadversion. *Ex parte Slocomb Richards & Co.*, 9 Ark. (4 English) 375 (1849).

16-10-110. Seals.

(a) The Supreme Court and each of the circuit, district, city, and county courts shall preserve and keep a seal, with such emblems and devices as the court shall think proper.

(b) The impression of the seal of any court by stamp shall be sufficient sealing in all cases where sealing is required.

(c) When no official seal is provided, the clerk may use his or her private seal for the authentication of any record, process, or proceeding

required by law to be authenticated by the seal of his or her court. The attestation of the clerk stating that he or she has no seal of office and that he or she has affixed his or her private seal shall be received as sufficient authentication without requiring any proof of the private seal or that it was affixed by the clerk.

History. Rev. Stat., ch. 43, §§ 8, 11, 12; C. & M. Dig., §§ 2095, 2097, 2098; Pope's Dig., §§ 2699, 2701, 2702; A.S.A. 1947, §§ 22-102 — 22-104; Acts 2003, No. 1185, § 40.

Cross References. Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.
Official seals, § 1-4-108.

CASE NOTES

Cited: Edens v. State, 258 Ark. 734, 528 S.W.2d 416 (1975).

16-10-111. [Repealed.]

Publisher's Notes. This section, concerning failure to hold court on first day of term, was repealed by Acts 2003, No. 1185, § 41. The section was derived from

Rev. Stat., ch. 43, §§ 25-27; C. & M. Dig., §§ 2108, 2109, 2209, 2210; Pope's Dig., §§ 2713, 2714, 2850, 2851; A.S.A. 1947, §§ 22-115 — 22-117.

16-10-112. Proceedings not affected by lapse of term.

No writ, process, plea, or proceeding whatsoever, civil or criminal, shall be deemed discontinued or abated by the failure of any term or session of any court, nor by the failure to enter a continuance of any suit or cause on the record. The suit or cause shall be continued and proceed as if no such failure had happened.

History. Rev. Stat., ch. 43, § 35; C. & M. Dig., § 2110; Pope's Dig., § 2715; A.S.A. 1947, § 22-118.

16-10-113. Change of term not to affect proceedings.

When any change is made by law in the times of holding any court in this state, the change shall in no way operate to affect or impair, avoid, annul, or discontinue any suit, action, appeal, recognizance, bail bond, notice, or process, original, mesne, or final, taken, instituted, or pending in that court, or returnable to or in that court. However, the suit, action, appeal, etc., shall be and stand valid and effectual in the court at the new term, in every respect, as if no change had been made in the time of holding court.

History. Acts 1856, § 3, p. 27; C. & M. Dig., § 2111; Pope's Dig., § 2716; A.S.A. 1947, § 22-119.

16-10-114. Courts not to open on Sunday — Exceptions.

(a) No court shall be opened or transact business on Sunday unless it is for the purpose of receiving a verdict or discharging a jury.

(b) Every adjournment of a court on Saturday shall always be to some other day than Sunday, except such adjournment as may be made after a cause has been committed to a jury.

(c) This section shall not prevent the exercise of the jurisdiction of any magistrate when it may be necessary in criminal cases to preserve the peace or arrest the offenders; nor shall this section inhibit the exercise of the jurisdiction of any magistrate on Sunday in disposing of misdemeanor cases where the defendant desires to and does enter a plea of guilty or a plea of nolo contendere.

History. Rev. Stat., ch. 43, § 36; C. & M. Dig., § 2113; Pope's Dig., § 2718; Acts 1955, No. 30, § 1; A.S.A. 1947, § 22-120.

RESEARCH REFERENCES

Ark. L. Rev. Courts Not to Be Open on Sunday — Exceptions, 9 Ark. L. Rev. 393.

CASE NOTES**ANALYSIS**

Accepting Plea on Sunday.
Administrative Boards.
Receiving Verdict on Sunday.

Accepting Plea on Sunday.

Where the trial court accepted appellant's plea for capital felony murder on a Sunday, the statutory violation did not affect the trial court's jurisdiction over the matter; further, a petition for writ of habeas corpus was not the proper method with which to claim a statutory violation. *Noble v. Norris*, 368 Ark. 69, 243 S.W.3d 260 (2006).

Administrative Boards.

An order of the Board of Chiropractic Examiners suspending a chiropractor's license made at the conclusion of a hearing held on Sunday was void. *Chester v. Arkansas State Bd. of Chiropractic Exmrs.*, 245 Ark. 846, 435 S.W.2d 100 (1968).

Receiving Verdict on Sunday.

Court, after receiving verdict on Sunday, may adjourn court over to some other day. *Eyer v. State*, 112 Ark. 37, 164 S.W. 756 (1914).

16-10-115. Trial by temporary judge.

(a) On stipulation of the litigant parties, any court of this state, except in criminal causes, may order a cause to be tried by a temporary judge who is licensed in Arkansas to practice law. The temporary judge shall be sworn and empowered to act until final determination of the cause.

(b) The stipulation of the litigant parties shall include the amount of compensation to be paid the temporary judge for trying the cause and the method of paying the compensation.

(c) The Supreme Court may adopt rules setting forth the procedure for implementing this section.

History. Acts 1981, No. 357, § 1; A.S.A. 1947, § 22-147.

RESEARCH REFERENCES

ALR. Construction and validity of state provisions governing designation of substitute, pro tempore, or special judge. 97 A.L.R.5th 537.

CASE NOTES

Cited: Worch v. Kelly, 276 Ark. 262, 633 S.W.2d 697 (1982).

16-10-116. [Repealed.]

Publisher's Notes. This section, concerning assignment of judge in civil action pending one year or more, was repealed by Acts 2003, No. 1185, § 42. The section was derived from Acts 1979, No. 82, § 1; 1980 (1st Ex. Sess.), No. 2, § 1; A.S.A. 1947, § 22-146.

16-10-117. Judge temporarily assigned in district — Jury list.

A judge assigned pursuant to § 16-10-101 on a temporary basis to a judicial district other than his or her own may share by concurrence with the judge of any division of the circuit court within that district the division's set of commissioners, jury wheel or box, list of jurors, and panel of jurors.

History. Acts 1971, No. 536, § 1; A.S.A. 1947, § 22-142.1.

16-10-118. Judicial officeholder as candidate for nonjudicial office — Resignation — Warrants void.

(a) Whenever the holder of a judicial office in the State of Arkansas becomes a candidate at any primary or general election for a nonjudicial office, he or she shall immediately resign his or her judicial office and thereafter shall be ineligible to hold that judicial office for the balance of the term for which he or she was elected or appointed.

(b) Any warrant issued to the holder of the judicial office after he or she shall become a candidate for a nonjudicial office shall be void.

(c) As used in this section, "judicial office" is defined to mean the office of district judge, circuit judge, Judge or Chief Judge of the Court of Appeals, and Associate Justice or Chief Justice of the Supreme Court.

History. Acts 1959, No. 5, §§ 1-3; A.S.A. 1947, §§ 22-137 — 22-139; Acts 1995, No. 549, § 2; 2003, No. 1185, § 43.

Cross References. Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

16-10-119. Travel expenses of judges.

From the appropriation provided for trial judges' expenses, the circuit judges are authorized to be reimbursed for those travel expenses at the rate as authorized for state employees and for mileage at the rate established in the state travel regulations for state employees while traveling within the state in the performance of their official duties.

History. Acts 1993, No. 4, § 7; 1995, No. 3, § 5; 1997, No. 496, § 1.

Publisher's Notes. Former § 16-10-119, concerning expenses of judges, was repealed by Acts 1993, No. 4, § 6. The

former section was derived from Acts 1977, No. 209, § 1; 1981, No. 981, § 1; 1985 (1st Ex Sess.), No. 11, § 1; A.S.A. 1947, § 22-141.

16-10-120, 16-10-121. [Repealed.]

Publisher's Notes. These sections, concerning the judicial qualifications commission and discipline or removal of judges, were repealed by Acts 1995, No. 1296, § 57. They were derived from the following sources:

16-10-120. Acts 1977, No. 418, §§ 1, 2; A.S.A. 1947, §§ 22-144, 22-145.

16-10-121. Acts 1977, No. 418, § 2; A.S.A. 1947, § 22-145. For present law, see Ark. Const., Amend. 66.

16-10-122. Sheriffs of courts.

The sheriffs of the several counties shall be sheriffs of the several courts in their respective counties, and the sheriff in the county in which the Supreme Court is held shall be sheriff of that court.

History. Rev. Stat., ch. 43, § 21; C. & M. Dig., § 2105; Pope's Dig., § 2709; A.S.A. 1947, § 22-111.

16-10-123. Furnishing fuel, blank books, and stationery.

The several sheriffs are authorized and required to furnish the fuel which may be necessary for the use of the several courts in their respective counties, and the clerks shall furnish all blank books and stationery for the use of the several courts in their respective counties.

History. Rev. Stat., ch. 43, § 43; C. & M. Dig., § 2114; A.S.A. 1947, § 22-123.

16-10-124. Enforcement of return of writ or process and payment of moneys.

Each court may enforce by attachment the return of any writ or process issued out of the same court and the payment of moneys had and received by any sheriff, coroner, constable, attorney, or collector in his or her official capacity, and the delivery of papers entrusted to him or her officially, and unlawfully withheld.

History. Rev. Stat., ch. 43, § 22; C. & M. Dig., § 2106; Pope's Dig., § 2710; A.S.A. 1947, § 22-112.

16-10-125. Audit of accounts of sheriff and clerk.

The several courts shall audit and adjust the accounts of the sheriff and clerk for all expenditures made under this act and certify the balance accordingly.

History. Rev. Stat., ch. 43, § 44; C. & M. Dig., § 2115; Pope's Dig., § 2719; A.S.A. 1947, § 22-124.

Meaning of "this act". Rev. Stat., ch. 43, codified as §§ 16-10-104 — 16-10-112,

16-10-114, 16-10-122 — 16-10-125, 16-10-128, 16-11-106, 16-11-108, 16-11-113, 16-13-214, 16-13-219, 16-13-312, 16-13-324, 16-14-103, 16-14-109, 16-15-111, 16-15-113, 16-19-206.

16-10-126. [Repealed.]

Publisher's Notes. This section, concerning investigative assistance to courts in juvenile matters, was repealed by Acts

1991, No. 1081, § 5. The section was derived from Acts 1955, No. 184, §§ 1, 2, 4; A.S.A. 1947, §§ 22-133, 22-134, 22-136.

16-10-127. Court interpreters.

(a) The Director of the Administrative Office of the Courts shall establish a program to facilitate the use of interpreters and transliterators in all courts of the State of Arkansas.

(b)(1) The director shall prescribe the qualifications of and certify persons who may serve as certified interpreters and transliterators in all courts of the State of Arkansas in bilingual proceedings and proceedings involving the hearing impaired, whether or not also speech impaired.

(2) The director shall maintain a current registry of all interpreters and transliterators certified by the director and shall report annually to the Arkansas Supreme Court on the frequency of requests for and the use and effectiveness of the interpreters and transliterators.

(c) In all state court bilingual proceedings and proceedings involving the hearing impaired, whether or not also speech impaired, the presiding judicial officer, with the assistance of the director, shall utilize the services of a certified interpreter or transliterator to communicate verbatim all spoken words or signs, illustrating alphabetical letters or words in American Sign Language, signed English, or spoken English.

(d) All state courts shall maintain on file in the office of the clerk of the court a list of all persons who have been certified as interpreters or transliterators by the director in accordance with the certification program established pursuant to this section.

(e)(1) Whenever a judicial officer appoints a certified foreign language interpreter or transliterator from the registry to a criminal or civil case, upon the conclusion of the interpreter's or transliterator's services in the case the judicial officer may certify those services to the director upon a form prescribed by the Administrative Office of the Courts.

(2) The director is authorized to pay from funds specifically appropriated for this purpose the certified foreign language interpreter or transliterator for the interpreting services furnished to the court.

(f) As used in this section, unless the context otherwise requires:

(1) "Deaf person" means a person with a hearing loss so great as to prevent his or her understanding language spoken in a normal tone; and

(2) "Director" means the Director of the Administrative Office of the Courts.

History. Acts 1981, No. 477, §§ 1-3; A.S.A. 1947, §§ 22-151 — 22-153; Acts 2001, No. 424, § 1.

Cross References. Interpreters for hearing or visually impaired jurors, § 16-31-108.

CASE NOTES

Proof of Hearing Loss Required.

Defendant suffered from a hearing loss, but she offered no evidence that her hearing loss would qualify her as deaf as defined by subsection (f) of this section; thus, an interpreter was not required under § 16-89-105(c) and her motion to sup-

press her statement to the police was properly denied. *Lawson v. State*, 74 Ark. App. 257, 47 S.W.3d 294 (2001).

Cited: *Swindle v. Benton County Circuit Court*, 363 Ark. 118, 211 S.W.3d 522 (2005).

16-10-128. Transcripts — Bills of exceptions.

In making out transcripts of records, except on writs of error and appeals, the bills of exception shall not be inserted unless specially required by the applicant therefor.

History. Rev. Stat., ch. 43, § 17; C. & M. Dig., § 2101; Pope's Dig., § 2705; A.S.A. 1947, § 22-107.

16-10-129. [Repealed.]

Publisher's Notes. This section, concerning abolition of judicial districts, was repealed by Acts 2003, No. 1185, § 44. The

section was derived from Acts 1931, No. 153, §§ 1-4; Pope's Dig., §§ 2592-2595; A.S.A. 1947, §§ 22-126 — 22-129.

16-10-130. Precedence given to criminal trials when victim under age of fourteen.

Notwithstanding any rule of court to the contrary and in furtherance of the purposes of Arkansas Rule of Criminal Procedure 27.1, all courts of this state having jurisdiction of criminal offenses, except for extraordinary circumstances, shall give precedence to the trials of criminal offenses over other matters before the court, civil or criminal, when the alleged victim is a person under the age of fourteen (14).

History. Acts 1985, No. 569, § 1; A.S.A. 1947, § 22-159.

Publisher's Notes. Acts 1985, No. 569, § 1, is also codified as § 16-80-102.

Enforcement of § 16-10-130, Administrative Order No. 6, Arkansas Rules of Civil Procedure Appendix, Rules Volume.

CASE NOTES

Purpose. The legislature did not intend to create on behalf of youthful victims standing to pursue active involvement in pending criminal cases. This section mandates the urgent scheduling of those cases for trial in preference to all other cases, absent extraordinary circumstances, and the wording of this section does not suggest that anything other than a priority is intended. *Thompson v. Erwin*, 310 Ark. 533, 838 S.W.2d 353 (1992).

16-10-131. Exemption from overtime parking penalties.

- (a) No judge or his or her court reporter of any court of this state shall be subject to a fine or other penalty for the offense of overtime parking incurred while the person was on duty as a judge or court reporter.
- (b) Any person attempting to enforce any fine or other penalty notwithstanding the provisions of this section shall be subject to contempt proceedings before the judge of the court being served by the person so charged.
- (c) Nothing contained in this section shall be construed to give immunity from fine or penalty other than for the offense of overtime parking.

History. Acts 1971, No. 364, § 1; 1971, No. 729, §§ 3, 4; A.S.A. 1947, §§ 39-119, 39-120; Acts 1987, No. 711, § 1. **Publisher’s Notes.** Acts 1971, No. 364, § 1 and 1971, No. 729, §§ 3, 4 are also codified as § 16-31-105.

16-10-132. Addresses of parties.

The records of all judgments rendered in any circuit, county, district, or city court shall contain the addresses of all parties when reasonably ascertainable.

History. Acts 1995, No. 1087, § 1; 2003, No. 1185, § 45. **Cross References.** Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

16-10-133. Trial court staff.

(a) Beginning July 1, 1996, positions shall be authorized and funds appropriated to the Auditor of State from the State Administration of Justice Fund to provide one (1) staff person for each of the judges of the circuit courts. The staff person may be employed to perform secretarial, docketing, and management services. Each judge of the circuit court shall report to the Administrative Office of the Courts his or her intention to employ such a staff person. Two (2) or more judges within a judicial district may employ jointly, in their discretion, one (1) staff person when coordinated with the office.

(b) A circuit judge authorized by subsection (a) of this section to employ a staff person shall have the authority to select and hire the person who will serve, and any person so employed shall serve at the will and pleasure of the judge.

(c) The entry level salary of a trial court staff person shall be equal to that established in the state pay plan at grade 16.

(d) A county or counties shall be authorized to supplement the base salary of any trial court staff person when approved by the quorum court. Any county or counties that employed a trial court administrative assistant as of July 1, 1996, and that supplemented their salaries pursuant to this subsection shall be required to continue to provide said supplement so long as the trial court administrative assistant shall continue to be employed in that position in the county.

(e) A staff person shall be subject to the Uniform Attendance and Leave Policy Act, § 21-4-201 et seq., as administered by the judge by whom he or she is employed.

(f) A trial judge who already has one (1) or more staff persons on April 13, 1995, shall designate one (1) such staff person to be subject to and paid by the provisions of this section.

History. Acts 1995, No. 1256, § 16; 1997, No. 209, § 3; 1997, No. 788, § 27; 1997, No. 1341, § 26; 1999, No. 1508, § 7; 2003, No. 932, § 3.

A.C.R.C. Notes. Acts 2010, No. 173, § 3, provided: "RATE OF PAY. The entry level salary of a trial court staff person shall be equal to that established in the state pay plan at grade C117."

Acts 2010, No. 173, § 4, provided: "CERTIFICATION. Any Trial Court Administrative Assistant who is or becomes certified by the National Center for State Courts as a certified Court Manager shall be entitled to have the annual salary for

which he or she is eligible to be increased by ten percent (10%), which shall not exceed the maximum amount for the grade assigned.

"The provisions of this section shall be in effect only from July 1, 2010 through June 30, 2011."

Cross References. Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

Legislative intent of Acts 1997, Nos. 788 and 1341, § 16-10-601.

Transition to state funding, § 16-87-301.

16-10-134. Trial court staff — Credit for county service.

Trial court staff persons who converted from county employment to state employment and were employed under § 16-10-133 shall have their length of service with the county recognized by the state for purposes of accrual rates for sick leave and annual leave and attainment of career service recognition awards.

History. Acts 1997, No. 1355, § 10.

16-10-135. Aids for the hearing or visually impaired.

(a) The Administrative Office of the Courts shall employ the most cost-efficient method of procuring auxiliary aids for persons with hearing and visual impairments.

(b) These methods may include entering into a contractual arrangement with another state agency or with a private entity that is capable of providing these services.

History. Acts 1997, No. 1355, § 9.

A.C.R.C. Notes. Acts 2001, No. 1418, § 24, provided: "Procurement-Auxiliary Aids. The Administrative Office of the Courts shall employ the most cost efficient method of procuring auxiliary aids for persons with hearing and visual impairments. These methods may include entering into a contractual arrangement with

another state agency or with a private entity that is capable of providing these services. The provisions of this section shall be in effect only from July 1, 2001 through June 30, 2003."

Cross References. Interpreters for visually or hearing impaired jurors, § 16-31-108.

16-10-136. Extrajudicial activities of justices and judges.

Restrictions on extrajudicial activities found in Arkansas Constitution, Amendment 80, shall not preclude a justice or judge from:

- (1) Being a member of a reserve unit of any branch of the United States armed forces;
- (2) Being a member of the National Guard;
- (3) Teaching;
- (4) Serving on any state or United States boards or commissions which relate to the law for the administration of justice;
- (5) Serving in an extrajudicial capacity that is not prohibited by the Arkansas Code of Judicial Conduct; or
- (6) Serving as judge of a city court.

History. Acts 2001, No. 914, § 1; 2005, No. 1934, § 1.

Amendments. The 2005 amendment added (6) and made a related change.

16-10-137. Administrative Office of the Courts — Annual report.

(a) Beginning July 31, 2003, and on July 31 of each year thereafter, the Administrative Office of the Courts shall submit an annual report to the Legislative Council and the Commission on Disparity in Sentencing showing the number of persons charged in circuit court for each criminal offense classification, comparing the state and each judicial district.

(b) The report shall include a breakdown by race of all persons charged in each criminal offense classification.

(c) The report shall include the same data for those cases in which a final disposition has been entered by the court.

History. Acts 2003, No. 1031, § 3.

A.C.R.C. Notes. Acts 2003, No. 1031, § 1, provided: "Intent. (a) Ethnic minorities appear to be over represented in the population of persons who are involved in the criminal justice system, charged as defendants, convicted, and incarcerated throughout the United States criminal justice systems.

"(b) It is the responsibility of criminal justice agencies and the courts in the State of Arkansas to ensure that all actions taken are based upon reasons other than the race of the defendant.

"(c) In order to allow the General Assembly to conduct a thorough review of the Arkansas criminal justice process, information on actions taken by criminal

justice agencies and the courts must be reported in a timely, uniform, and consistent manner.”

The Commission on Disparity in Sen-

tencing, referred to in (a), was to be created by HB 2264 of the 2003 session, which did not pass.

16-10-138. Mandatory reporter training.

(a) The Administrative Office of the Courts shall develop a web-based curriculum concerning mandatory reporter training that will include without limitation:

- (1) The signs and symptoms of abuse;
- (2) Training on the specifics that are required to be reported under law and rules; and
- (3) The managing of disclosures.

(b) The Department of Human Services shall serve as the host for the web-based curriculum developed by the Administrative Office of the Courts.

History. Acts 2007, No. 703, § 13.

SUBCHAPTER 2 — ACCOUNTING PRACTICES

SECTION.

- 16-10-201. Title. [Effective until January 1, 2012.]
- 16-10-201. Title. [Effective January 1, 2012.]
- 16-10-202. Definition. [Effective until January 1, 2012.]
- 16-10-202. Definition. [Effective January 1, 2012.]
- 16-10-203. Applicability of subchapter. [Effective until January 1, 2012.]
- 16-10-203. Applicability of subchapter. [Effective January 1, 2012.]
- 16-10-204. Bank accounts for court funds.
- 16-10-205. Uniform traffic tickets.

SECTION.

- 16-10-206. Court docket.
- 16-10-207. Police department and marshal's and sheriff's offices — Activities and clerical duties required.
- 16-10-208. Court clerk — Eligibility.
- 16-10-209. Court clerk — Activities and clerical duties.
- 16-10-210. Accounting systems above minimum.
- 16-10-211. Record retention schedule.
- 16-10-212. City courts — Loss of authority — Enforcement by legislative audit. [Effective until January 1, 2012.]

A.C.R.C. Notes. Section 19 of Amendment 80 to the Arkansas Constitution provided that all municipal courts were to become district courts on January 1, 2005, and that they should assume the jurisdiction previously vested in municipal courts, police courts, justice of the peace courts, and courts of common pleas. Those courts were abolished by the amendment. City courts were to continue, but if abolished by the governing body of the city or by the General Assembly, the jurisdiction of the city court would then vest in the

nearest district court.

Cross References. Arkansas Governmental Compliance Act, § 10-4-301 et seq.

Effective Dates. Acts 1991, No. 904, § 28: Mar. 29, 1991. Emergency clause provided: “It is hereby found and determined by the General Assembly that the language of certain court cost statutes lacks uniformity; that such lack of uniformity is detrimental to the proper collection of such court costs; and that such language should be standardized to promote the proper collection of such costs.

Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1997, No. 788, § 36: became law without the Governor's signature. Noted Mar. 11, 1997. Effective July 1, 1999. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the effectiveness of this act on July 1, 1997 is essential to the operation of the state court system, and that in the event of an extension of the Regular Session, the delay in the effective date of this act beyond July 1, 1997 could work irreparable harm upon the proper administration and provision of essential governmental progress. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety, shall be in full force and effect from and after July 1, 1997."

Acts 1997, No. 1341, § 35: became law without the Governor's signature. Noted Apr. 11, 1997. Effective July 1, 1999. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the effectiveness of this act on July 1, 1997 is essential to the operation of the state court system, and that in the event of an extension of the Regular Session, the delay in the

effective date of this act beyond July 1, 1997 could work irreparable harm upon the proper administration and provision of essential governmental progress. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety, shall be in full force and effect from and after July 1, 1997."

Acts 1999, No. 1508, § 19: Apr. 15, 1999. Emergency clause provided: "It is hereby found and determined by the Eighty-second General Assembly that this act makes various technical corrections in the Arkansas Code; that this act further clarifies the law to provide that the Arkansas Code Revision Commission may correct errors resulting from enactments of prior sessions; and that this act should go into effect immediately in order to be applicable during the codification process of the enactments of this regular session. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

Acts 2007, No. 663, § 56: Jan. 1, 2012.

16-10-201. Title. [Effective until January 1, 2012.]

This subchapter shall be known and cited as the "Arkansas District Courts and City Courts Accounting Law".

History. Acts 1977, No. 332, § 1; A.S.A. 1947, § 22-1101; Acts 2003, No. 1185, §§ 46, 47.

Publisher's Notes. For text of section

effective January 1, 2012, see the following version.

Effective Dates. Acts 2003, No. 1185, § 47: Jan. 1, 2005, by its own terms.

16-10-201. Title. [Effective January 1, 2012.]

This subchapter shall be known and cited as the "Arkansas District Courts Accounting Law".

History. Acts 1977, No. 332, § 1; A.S.A. 1947, § 22-1101; Acts 2003, No. 1185, §§ 46, 47; 2007, No. 663, § 21.

Publisher's Notes. For text of section effective until January 1, 2012, see the preceding version.

Amendments. The 2007 amendment deleted “and City Courts” following “Courts.”

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-10-202. Definition. [Effective until January 1, 2012.]

As used in this subchapter, unless the context otherwise requires, “court” means a district court or a city court in the State of Arkansas.

History. Acts 1977, No. 332, § 2; A.S.A. 1947, § 22-1102; Acts 2003, No. 1185, §§ 46, 47.

effective January 1, 2012, see the following version.

Publisher’s Notes. For text of section

Effective Dates. Acts 2003, No. 1185, § 47: Jan. 1, 2005, by its own terms.

16-10-202. Definition. [Effective January 1, 2012.]

As used in this subchapter, “court” means a district court in the State of Arkansas.

History. Acts 1977, No. 332, § 2; A.S.A. 1947, § 22-1102; Acts 2003, No. 1185, §§ 46, 47; 2007, No. 663, § 22.

Publisher’s Notes. For text of section effective until January 1, 2012, see the preceding version.

Amendments. The 2007 amendment deleted “unless the context otherwise requires” following “subchapter” and “and city” following “district.”

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52

through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-10-203. Applicability of subchapter. [Effective until January 1, 2012.]

This subchapter shall apply to any district court or city court within the State of Arkansas.

History. Acts 1977, No. 332, § 2; A.S.A. 1947, § 22-1102; Acts 2003, No. 1185, §§ 46, 47.

effective January 1, 2012, see the following version.

Publisher’s Notes. For text of section

Effective Dates. Acts 2003, No. 1185, § 47: Jan. 1, 2005, by its own terms.

16-10-203. Applicability of subchapter. [Effective January 1, 2012.]

This subchapter shall apply to any district court within the State of Arkansas.

History. Acts 1977, No. 332, § 2; A.S.A. 1947, § 22-1102; Acts 2003, No. 1185, §§ 46, 47; 2007, No. 663, § 23.

Publisher's Notes. For text of section effective until January 1, 2012, see the preceding version.

Amendments. The 2007 amendment deleted "and city courts" following "courts."

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

"(a) Sections 2 through 15 of this act are effective January 1, 2008.

"(b) Sections 16 through 50 and 52 through 55 of this act are effective Janu-

ary 1, 2012.

"(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

"(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

"(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009."

16-10-204. Bank accounts for court funds.

(a)(1) Each municipal police department, city or town marshal, sheriff's office, and court shall maintain court funds separately in depositories approved for such purposes by law.

(2) All disbursements from such accounts shall be evidenced by prenumbered checks.

(3) The separate bank accounts shall be maintained and styled and funds therein shall be disbursed only upon signatures as prescribed in this section.

(b) Each municipal police department and each city or town marshal shall deposit court funds in an account styled "(Name of Municipality) Police Department Bond and Fine Account", and such funds shall be disbursed only on the signature of the chief of police or marshal of the municipality and the signature of one (1) other authorized person.

(c) Each office of county sheriff shall deposit court funds in an account styled "(Name of County) County Sheriff's Bond and Fine Account", and such funds shall be disbursed only on the signature of the sheriff of the county and the signature of one (1) other authorized person.

(d) Each court shall deposit court funds in an account styled "(Name of Court) Court Account", and such funds shall be disbursed only upon the signature of the court clerk and the signature of one (1) other person to be authorized by the court's presiding judge.

History. Acts 1977, No. 332, § 3; A.S.A. 1947, § 22-1103.

16-10-205. Uniform traffic tickets.

(a) Each municipal police department, city or town marshal, and county sheriff's office shall maintain and issue uniform traffic ticket books, sometimes called citation books, summons books, or ticket books, for violation of all municipal and state laws.

(b) All uniform traffic ticket books must be prenumbered by the printer and a printer's certificate or other evidence shall be furnished to the police department, marshal's office, or sheriff's office, and the certificate or other evidence shall be made available for inspection.

(c) All void or spoiled tickets must be accounted for by attaching all copies to the hard copy in the uniform traffic ticket book.

(d)(1) All uniform traffic ticket books must have at least an original and three (3) copies used and distributed as follows:

(A) **HARD COPY:** Violator's copy;

(B) **WHITE COPY:** Police department, marshal's office, or sheriff's office copy;

(C)(i) **YELLOW COPY:** Court clerk's copy, to be forwarded to the Office of Driver Services of the Revenue Division of the Department of Finance and Administration as provided in this subdivision (d)(1)(C).

(ii) Within five (5) business days after a conviction or forfeiture of bail of a person charged with a violation of any law regulating the operation of vehicles on a highway, § 3-3-203(a) or § 5-27-503(a)(3), the clerk shall forward the yellow copy covering the case in which the person was convicted or forfeited bail.

(iii) The yellow copy shall be certified by the person required to prepare it and shall include the name and address of the party charged, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment or whether bail was forfeited, and the amount of the fine or forfeiture.

(iv) Within five (5) business days after the disposition of any case, the clerk shall forward the yellow copy of the citation and the resulting disposition of the case.

(v) A court using the case management system provided by the Administrative Office of the Courts is not required to submit the yellow copy to the Office of Driver Services but must enter the disposition or judgment of conviction into the case management system within the time required in this section; and

(D) **PINK COPY:** Remains in uniform traffic ticket book.

(2) Tickets issued but unprocessed shall be filed by the court date in the police department, marshal's office, or sheriff's office.

History. Acts 1977, No. 332, § 4; A.S.A. 1947, § 22-1104; Acts 2009, No. 456, § 1. **Amendments.** The 2009 amendment rewrote (d).

16-10-206. Court docket.

(a) All violations shall be docketed and all judgments shall be rendered by the court's presiding judge.

(b) The court docket sheet shall reflect the complete history of the violation and the disposition of each case, and shall contain the following information:

- (1) The uniform traffic ticket number;
- (2) The date and nature of the violation;
- (3) The date the court convened to hear the case;
- (4) The names of arresting officers and witnesses, if any;
- (5) The judgment rendered by the court;
- (6) The signature or initials of the judge;
- (7) The amount of the fine and costs itemized;
- (8) The receipt number and dollar amount evidencing payment of fine and costs; and

(9) If applicable, the check number and dollar amount evidencing authorized bond refund. The check itself will indicate the docket number evidencing authorization.

(c) The docket sheets shall be numbered by the court clerk in accordance with the Rules of the Supreme Court of Arkansas.

(d)(1) The docket pages shall be prenumbered by the printer, and a printer's certificate or other evidence shall be furnished to the court's clerk which shall be made available for inspection.

(2) The docket pages shall be numbered independently of court docket numbers assigned by the court clerk and shall permit sequential use of all printed docket pages.

(e) The docket sheets shall be either bound or loose-leaf, provided that accountability and control is maintained over the loose-leaf docket sheets.

(f) The court clerk shall keep separate court dockets, one (1) for city cases and one (1) for county cases.

History. Acts 1977, No. 332, § 5; A.S.A. 1947, § 22-1105; Acts 2005, No. 1934, § 2.

Amendments. The 2005 amendment, in (c) inserted "the Rules of the" and deleted "Administrative Ruling No. 73-

240, beginning with the last two (2) digits of the current year and the number assigned to the case beginning with the number one (1), e.g., 77-1" from the end.

16-10-207. Police department and marshal's and sheriff's offices — Activities and clerical duties required.

The following activities and clerical duties relating to court functions shall be required of all police departments, city or town marshals, and sheriff's offices:

(1) CONTROLS FOR UNIFORM TRAFFIC TICKETS.

(A) A list of all uniform traffic ticket books and the corresponding range of tickets in each book shall be kept in the police department, office of city or town marshal, or sheriff's office.

(B) The issuance of the uniform traffic ticket books shall be the responsibility of the chief of police, marshal, or sheriff, or someone who is delegated the authority to do so.

(C) Each patrolman, including also the chief of police, marshal, or sheriff, shall sign a receipt for each uniform traffic ticket book issued to him or her. This receipt book shall be made available for inspection.

(D) The chief of police, marshal, or sheriff shall be responsible for ensuring that all uniform traffic tickets issued shall be entered on the arrest report.

(E) As each uniform traffic ticket book is completed, it shall immediately be filed with the court clerk and made available for inspection;

(2) [Repealed.]

(3) PREPARATION AND SUBMISSION OF ARREST REPORT.

(A) Separate arrest reports shall be prepared for city cases and county cases.

(B) The arrest report shall contain columns for the following information:

(i) Uniform traffic ticket number;

(ii) Violator's name;

(iii) Nature of the offense;

(iv) Name of the arresting officer;

(v) Receipt number;

(vi) Fine and costs collected; and

(vii) Any other additional information deemed appropriate or necessary.

(C)(i) Prior to the court date, the arrest report shall be prepared from the tickets accumulated in the court date file in the police department office, marshal's office, or sheriff's office.

(ii) After the case has been adjudicated and the court's determination entered on the uniform traffic ticket, the processed police department or sheriff's office copy of the uniform traffic ticket shall then be filed either alphabetically or numerically.

(D) The fine and costs column shall be totaled, and a check shall be drawn payable to the court fund which represents moneys collected and receipts issued by the police department, marshal's office, or sheriff's office for those tickets contained on the arrest report.

(E) A completed copy of the arrest report accompanied by the police department's, marshal's office, or sheriff's office check shall be delivered to the court clerk; and

(4) COLLECTION, RECEIPT, AND DEPOSIT PROCEDURES.

(A) All receipt books must be prenumbered by the printer, and a printer's certificate or other evidence shall be furnished to the police department, marshal's office, or sheriff's office, which shall be made available for inspection.

(B) All void or spoiled receipts must be accounted for by attaching the original copy of the receipt to the duplicate copy of the receipt in the receipt book.

(C) The receipt shall be issued in the name of the violator regardless of who paid the bond or fine or who collected the bond or fine.

(D)(i) A prenumbered receipt shall be issued for all moneys collected, and such receipts shall be deposited intact daily in the bank

account maintained by the police department, marshal's office, or sheriff's office.

(ii) All receipt numbers shall be entered on the arrest report by the police department, marshal's office, or sheriff's office.

(E) The police department, marshal's office, or sheriff's office may maintain separate bank accounts for city cases and county cases.

(F) The bank deposit slips prepared by the police department, marshal's office, or sheriff's office shall contain the range of receipt numbers evidencing such collections. In addition, the receipts issued shall be reconciled with the monthly bank deposits.

(G) A bank reconciliation shall be made at the end of each month, and any balance remaining in the bank account shall be identified with receipts issued but not yet entered on the arrest report.

History. Acts 1977, No. 332, § 6; A.S.A. 1947, § 22-1106; Acts 2007, No. 627, § 1; 2009, No. 456, § 2.

Amendments. The 2007 amendment inserted "or her" following "him" in (1)(C);

deleted former (1)(F); and made related changes.

The 2009 amendment deleted (2), which was entitled "Issuance of Uniform Traffic Tickets."

16-10-208. Court clerk — Eligibility.

The court clerk shall not be a member of the police department, marshal's office, or sheriff's office.

History. Acts 1977, No. 332, § 7; A.S.A. 1947, § 22-1107.

16-10-209. Court clerk — Activities and clerical duties.

The following activities and clerical duties relating to court functions shall be required of all court clerks:

(1) COLLECTION, RECEIPT, AND DEPOSIT PROCEDURES. (A) All receipt books must be prenumbered by the printer, and a printer's certificate or other evidence shall be furnished to the court clerk, which shall be made available for inspection.

(B) All void or spoiled receipts must be accounted for by attaching the original copy of the receipt to the duplicate copy of the receipt in the receipt book.

(C)(i) For those checks forwarded with the arrest reports, the receipt shall be issued in the name of the police department, marshal's office, or sheriff's office.

(ii) For those receipts issued at court date, the court clerk shall issue such receipts in the name of the defendant, regardless of who paid the bond or fine or who collected the bond or fine.

(D) A prenumbered receipt shall be issued for all moneys collected, and such receipts shall be deposited intact daily into the separate bank account maintained by the court clerk.

(E)(i) The bank deposit slips prepared by the court clerk shall contain the range or receipt numbers evidencing such collections.

(ii) Additionally, the receipts issued shall be reconciled with the monthly bank deposits.

(F) A bank reconciliation shall be made at the end of each month, and any balance remaining in the bank account shall be identified with receipt numbers for cases not yet adjudicated and the payments made on all unpaid individual time accounts; and

(G) The court clerk may maintain separate bank accounts for city cases and for county cases;

(2) PREPARATION AND SUBMISSION OF COURT REPORT. (A) The court report shall contain columns for the following information:

- (i) The uniform traffic ticket number;
- (ii) The defendant's name;
- (iii) The nature of the offense;
- (iv) The name of arresting officer;
- (v) The court docket number;
- (vi) The disposition or date continued;
- (vii) The receipt number;
- (viii) The total fine and costs collected;
- (ix) The fine;
- (x) The costs itemized, including all prosecuting attorney's fees;
- (xi) The bond refund amount;
- (xii) The bond refund check number; and
- (xiii) The installment payment amount.

(B) The court clerk at each court date shall prepare the court report from the arrest report supplied by the police department, marshal's office, or sheriff's office.

(C) At the end of each court date, the court clerk shall complete the court report for the court date and total the dollar amounts contained in the court report.

(D) The court reports prepared each court date shall be summarized at least monthly.

(E) The court clerk shall make a direct monetary settlement on or before the tenth day of the next-following month with each of the following:

- (i) The city treasurer;
- (ii) The county treasurer;
- (iii) The prosecuting attorney;
- (iv) If applicable, the treasurer of the policemen's pension and relief fund and the district judge and clerk's retirement fund;
- (v) The Administration of Justice Funds Section of the Office of Administrative Services of the Department of Finance and Administration; and
- (vi) Any other state agency or entity which receives fines or fees assessed by the court and collected pursuant to law.

(F) The court clerk, in conjunction with the making of the monetary settlement in subdivision (2)(E)(ii) [repealed] of this section, will make reports in quadruplicate of the applicable individual court reports and distribute the reports in the following manner:

- (i) One (1) copy to the mayor;
- (ii) One (1) copy to the county clerk;
- (iii) One (1) copy to the Administrative Office of the Courts; and
- (iv) One (1) copy to be retained by the clerk and made available for inspection;

(3) MINIMUM BOOKKEEPING REQUIREMENTS. (A)(i) The court clerk shall maintain a separate cash receipts and disbursements journal for city cases and county cases.

(ii) The journal shall consist of sufficient columns in order to properly classify all moneys receipted as to their proper nature, e.g., fines, administration of justice fund, etc.

(iii) The journal shall also contain sufficient columns to properly classify all moneys disbursed as to their proper nature, e.g., general fund, county treasurer, bond refunds, etc.

(B) The court clerk shall total and balance the receipts and disbursements journal monthly and establish and maintain year-to-date totals monthly.

(C)(i) The court clerk shall prepare monthly bank reconciliations for each court bank account.

(ii) The cash receipts and disbursements journal shall be utilized in effecting the bank reconciliations.

(D) Copies of bank reconciliations shall be furnished to the court's presiding judge, county judge, and mayor;

(4) BOND REFUNDS. (A) All bond refunds shall be made only upon the authorization of the presiding judge and shall be indicated as such on the court docket.

(B)(i) All bond refunds shall be made only by a check drawn on the court's bank account.

(ii) Additionally, the check shall indicate the court docket number for authorization.

(C) The court clerk shall enter all bond refunds on the applicable court report;

(5) INSTALLMENT PAYMENTS. (A) Installment payments shall be allowed only upon the authorization of the presiding judge and shall be indicated as such on the court docket.

(B)(i) The court clerk shall establish and maintain individual installment payment account ledger cards, with a duplicate copy of the ledger card being furnished to and maintained by the county or city official, agency, or department designated under § 16-13-709 as primarily responsible for the collection of fines assessed in district courts and city courts.

(ii) The ledger cards shall contain the following minimum information:

- (a) Name of the individual;
- (b) Court docket number and court date;
- (c) Nature of the violation;
- (d) Total fine and costs assessed;
- (e) Receipt number, date, and amount of payment; and

(f) Unpaid balance of fine, fees, and costs.

(C) The county or city official, agency, or department designated under § 16-13-709 as primarily responsible for the collection of fines assessed in district courts and city courts shall be responsible for collecting all installment payments and shall enter all collected installment payments on each applicable arrest report.

(D)(i) The court clerk shall establish and maintain a control total for installment payments, which is a summary of all unpaid individual installment payment accounts.

(ii) The control total shall be reconciled monthly with the individual installment payment accounts.

(E)(i) The court clerk shall furnish the county or city official, agency, or department designated under § 16-13-709 as primarily responsible for the collection of fines assessed in district courts and city courts and the presiding judge monthly with a list of all unpaid installment payment accounts for which a payment has not been received within the past thirty (30) days.

(ii) The presiding judge shall then take the necessary action deemed appropriate in the circumstances.

(F)(i)(a) All installment payments shall initially be deemed to be collections of court costs until the costs have been collected in full, with any remaining installment payments representing collections of fines.

(b) The court clerk shall prepare at least monthly a separate court report for all installment payments made on accounts.

(c) The monetary settlement for this separate court report shall be made on or before the tenth day of the next-following month.

(ii) A municipal or county governing body may provide by appropriate municipal or county legislation an alternative method of installment payment allocation as follows:

(a) All installment payments shall be allocated fifty percent (50%) to court costs and fifty percent (50%) to fines. Whenever either court costs or fines are fully paid, all remaining installment payments shall be allocated to remaining amounts due;

(b) The court clerk shall prepare at least monthly a separate court report for all installment payments made on accounts. The monetary settlement for this separate court report shall be made on or before the tenth day of the next-following month; and

(6) RECONCILIATION OF COMPLETED TICKET BOOKS TO ARREST REPORT. (A) The court clerk shall reconcile on a quarterly basis on or before the fifteenth day of the month following the end of the calendar quarter the individual tickets in the completed ticket book to the individual tickets as reflected on the arrest reports.

(B) For any discrepancies noted in the reconciliation in subdivision (6)(A) of this section, the court clerk shall prepare a written list and present this list to the court's judge for his or her appropriate action.

History. Acts 1977, No. 332, § 7; 1985, No. 677, §§ 1, 2; 1985, No. 776, §§ 1, 2; A.S.A. 1947, § 22-1107; Acts 1991, No. 904, § 21; 1997, No. 788, § 3; 1997, No. 1341, § 3; 1999, No. 1081, §§ 1, 2; 1999, No. 1508, § 7; 2003, No. 1765, § 7; 2005, No. 1934, § 3.

Amendments. The 2005 amendment redesignated former (2)(E)(i) and (2)(E)(i)(a)-(d) as present (2)(E) and

(2)(E)(i)-(iv), respectively; deleted former (2)(E)(ii); added (2)(E)(v) and (vi); substituted “district” for “municipal” in (2)(E)(iv); and made related changes.

Cross References. Establishment of city and county shares, § 16-10-602.

Legislative intent of Acts 1997, Nos. 788 and 1341, § 16-10-601.

Transition to state funding, § 16-87-301.

16-10-210. Accounting systems above minimum.

(a) Any official charged with the maintenance of accounting or bookkeeping records under the provisions of this subchapter whose system of bookkeeping is such that it does not strictly adhere to the provisions of this subchapter, but in that official’s opinion equals or exceeds the basic requirements prescribed by this subchapter, may request the court’s presiding judge to request a review by the staff of the Legislative Joint Auditing Committee.

(b) Upon the committee’s concurrence with the official’s opinion regarding the capability of the existing system of bookkeeping, a letter shall be issued by the committee to the court’s presiding judge stating that the official’s accounting system is of such a degree of sophistication that the basic requirements of this subchapter are being met.

(c) After issuance of the letter by the committee under subsection (b) of this section, the official is exempt from the requirements of the particulars of the procedures prescribed by this subchapter, provided the official’s system of bookkeeping is not altered.

History. Acts 1977, No. 332, § 8; A.S.A. 1947, § 22-1108; Acts 2007, No. 627, § 2.

Amendments. The 2007 amendment added the (a), (b) and (c) designations; in (a), substituted “Any” for “In the event any”, substituted “whose system” for “who feels his system,” inserted “does not strictly adhere to the provisions of this subchapter but, in that official’s opinion,” substituted “basic requirements” for “basic system,” deleted “he” preceding “may” and inserted “staff of the” preceding “Legislative”; substituted “the official’s opinion

regarding the capability of the existing system of bookkeeping, a letter shall be issued by the committee to the court’s presiding judge” for “such facts, the committee may issue a certificate to that official” in (b); and in (c), substituted “After issuance of the letter by the committee under subsection (b) of this section, the official is exempt” for “and exempting the official,” substituted “procedures” for “system” and inserted “provided the official’s system of bookkeeping is not altered” following “subchapter.”

16-10-211. Record retention schedule.

(a) All towns, cities, and counties of the State of Arkansas shall maintain records for the district courts and city courts and are to:

(1) Permanently maintain:

- (A) Case indices for all courts;
- (B) Case dockets for all courts;
- (C) Unserved warrants;
- (D) Waivers;

- (E) Expungement and sealed records;
 - (F) Circuit court judgments;
 - (G) Files concerning convictions under the Omnibus DWI Act, § 5-65-101 et seq.;
 - (H) Files concerning cases resulting in a suspended imposition of sentence; and
 - (I) Domestic battering files;
- (2) Maintain for a period of at least seven (7) years and in no event dispose of prior to being audited:
- (A) Records and reports of court costs;
 - (B) Fines and fees assessed and collected;
 - (C) Complete case files and written exhibits for all courts;
 - (D) Month-end settlements;
 - (E) Monthly distribution reports;
 - (F) Show cause orders;
 - (G) Case information, including arrest reports and affidavits; and
 - (H) Alternative service or community service time sheets; and
- (3) Maintain for a period of at least three (3) years and in no event dispose of prior to being audited:
- (A) Bank reconciliations;
 - (B) Check book registers;
 - (C) Cancelled checks;
 - (D) Bank statements;
 - (E) Receipts;
 - (F) Deposit collection records;
 - (G) Budget packets or books;
 - (H) Accounts payable;
 - (I) Payroll time sheets;
 - (J) Information concerning vacation and sick leave;
 - (K) Month-end payroll;
 - (L) Uniform traffic ticket books from each police department and sheriff's office; and
 - (M) Served warrants.
- (b) After a town, city, or county has maintained records for the time periods required by subdivisions (a)(2) or (3) of this section and after the records described in subdivisions (a)(2) or (3) of this section have been audited, the records may be destroyed.
- (c) When records are destroyed under subsection (b) of this section, the town, city, or county shall document the destruction by the following procedure:
- (1) An affidavit is to be prepared stating:
 - (A) Which records are being destroyed and to which period of time the records apply; and
 - (B) The method of destruction; and
 - (2)(A) For city court records, the affidavit described in subdivision (c)(1) of this section is to be signed by the town or city employee performing the destruction and one (1) town or city council member.
 - (B) For district court records, the affidavit described in subdivision (c)(1) of this section is to be signed by the town, city, or county

employee performing the destruction and one (1) employee of the governing body or, if applicable, governing bodies which contribute to the expenses of the court.

(d)(1) In addition to the procedure described in subsection (c) of this section, the approval of the town or city council for destruction of documents shall be obtained prior to the destruction of city court records and an appropriate note of the approval indicated in the town or city council minutes along with the destruction affidavit.

(2) In addition to the procedure described in subsection (c) of this section, the approval of the governing body or, if applicable, governing bodies that contribute to the expenses of the court shall be obtained prior to the destruction of district court records and an appropriate note of the approval indicated in the minutes of the governing body or bodies along with the destruction affidavit.

History. Acts 2007, No. 627, § 3; 2009, in (a), substituted “Unserved warrants” No. 633, § 6. for “Warrants” in (a)(1)(C), inserted

Amendments. The 2009 amendment, (a)(3)(M), and made related changes.

16-10-212. City courts — Loss of authority — Enforcement by legislative audit. [Effective until January 1, 2012.].

(a) If the Division of Legislative Audit determines that a city court is not in substantial compliance with this subchapter, the division shall report the findings to the Legislative Joint Auditing Committee.

(b)(1) If a public official or a private accountant determines that a city court is not in substantial compliance with this subchapter, the official or accountant shall notify the committee of his or her findings.

(2) Upon notification, the committee shall direct the division to review the city court’s compliance with this subchapter.

(3) Upon confirmation of a substantial lack of compliance, the division shall report the findings to the committee.

(c)(1) Upon notification of noncompliance by the division, the committee shall notify in writing the mayor, the city or town council, the city court judge, and the city court clerk that the city court’s accounting records are not in substantial compliance with this subchapter.

(2) The city court shall have ninety (90) days after the date of notification to bring the city court’s accounting records into substantial compliance with this subchapter.

(3)(A) After the ninety (90) days allowed for compliance or upon request by the appropriate city court officials, the division shall review the city court’s accounting records to determine if the city court is in substantial compliance with this subchapter.

(B) The division shall report its findings to the committee.

(d) If the city court has not achieved substantial compliance within the ninety-day period, the committee shall notify both the Administrative Office of the Courts and the city court of the noncompliance and inform the city court that it no longer has authority to operate.

History. Acts 2009, No. 488, § 1.

SUBCHAPTER 3 — UNIFORM FILING FEES AND COURT COSTS

SECTION.

- 16-10-301. Legislative intent.
- 16-10-302. Court costs and filing fees — Generally.
- 16-10-303. Filing fees. [Repealed effective January 1, 2012.]
- 16-10-304. State actions exempt from filing fees.
- 16-10-305. Court costs. [Effective until January 1, 2012.]
- 16-10-305. Court costs. [Effective January 1, 2012.]
- 16-10-306. State Administration of Justice Fund. [Effective until January 1, 2012.]
- 16-10-306. State Administration of Justice Fund. [Effective January 1, 2012.]
- 16-10-307. County administration of justice fund.
- 16-10-308. City administration of justice fund. [Effective until January 1, 2012.]

SECTION.

- 16-10-308. City administration of justice fund. [Effective January 1, 2012.]
- 16-10-309. Failure to submit funds or reports.
- 16-10-310. Distribution of revenue.
- 16-10-311. Transfer of funds from State Administration of Justice Fund.
- 16-10-312. Distribution of State Administration of Justice Fund.
- 16-10-313. Support for State Crime Laboratory.
- 16-10-314. Support for Arkansas publicly funded law schools.
- 16-10-315. City courts — Loss of authority — Enforcement by Department of Finance and Administration. [Effective until January 1, 2012.]

A.C.R.C. Notes. Section 19 of Amendment 80 to the Arkansas Constitution provided that all municipal courts were to become district courts on January 1, 2005, and that they should assume the jurisdiction previously vested in municipal courts, police courts, justice of the peace courts, and courts of common pleas. Those courts were abolished by the amendment. City courts were to continue, but if abolished by the governing body of the city or by the General Assembly, the jurisdiction of the city court would then vest in the nearest district court.

References to “this chapter” in subchapters 1 and 2 may not apply to this subchapter which was enacted subsequently.

Acts 1995, No. 1256, § 8, provided:

“(a) The following court costs shall not be immediately affected by this act and shall continue to be assessed and collected until such time as the Arkansas Division of Legislative Audit shall certify in writing that the debt service for the original construction for which the revenues generated by the court costs have been applied shall have been paid in full:

“(1) The costs assessed by the city, municipal, and circuit courts in Garland County pursuant to § 12-41-617 [repealed] for the purpose of building a new jail;

“(2) The costs assessed by the city, municipal, and circuit courts in Lawrence County pursuant to § 12-41-617 [repealed] for the purpose of building a new jail;

“(3) The costs assessed by the city and municipal courts of Pulaski County pursuant to §§ 16-17-111 and 16-17-113 [repealed] for the purpose of completing the municipal court renovation.

“(4) The costs assessed pursuant to Act 685 of 1971, as amended, by the city and county courts of Pulaski County for the purpose of retiring the indebtedness on the Pulaski County Law Center.

“(5) The costs assessed by the circuit and chancery courts in Saline County pursuant to § 21-6-403 in effect on January 1, 1995, and used for the purpose of renovation, refurbishing, and equipping of the Saline County Courthouse.

“(6) Any other costs assessed by the city, municipal, circuit, chancery, or pro-

bate courts which are dedicated on the effective date of this act for the purpose of retiring any debt service for construction, when certified by the Arkansas Division of Legislative Audit.

“(b) For each court in which a court cost included in paragraph (a) of this section shall be continued, that cost shall be in addition to the uniform court costs and filing fees provided in Section 3 through Section 7 of this act.

“(c) The additional costs specified in paragraph (a) shall not be remitted to the Department of Finance and Administration with the uniform court costs and filing fees provided for in Section 3 through Section 7 of this act, but shall be remitted to the city or county treasurer and credited to the fund and for the limited purpose as provided for in Arkansas Code Annotated §§ 12-41-617 [repealed], 16-17-111 and 16-17-113 [repealed] and Act 685 of 1971 as amended.”

Acts 1995, No. 1256, § 17, as amended by Acts 1995 (1st Ex. Sess.), No. 13, § 3, provided: “The uniform filing fees and court costs established by Sections 3 through 7 of this act shall become effective on July 1, 1995; however, from the period beginning July 1, 1995, through September 30, 1995, all courts shall deduct from the uniform fees and costs the individual fees and costs owed to local, county, and state level agencies and disburse those funds in accordance with this act. Excess funds shall be retained by the city or county and utilized as directed by the governing body, but are, however, intended to provide a sufficient level of funds as to allow for the change in the disbursement of funds as required by Sections 12 and 13 of this act.”

Publisher's Notes. Former subchapter 3, concerning judicial ethics, was repealed by Acts 1989, No. 536, § 4. The former subchapter was derived from the following sources:

§ 16-10-301. Acts 1977, No. 853, § 1; A.S.A. 1947, § 22-1001.

§ 16-10-302. Acts 1977, No. 853, § 2; A.S.A. 1947, § 22-1002.

§ 16-10-303. Acts 1977, No. 853, § 3; A.S.A. 1947, § 22-1003.

§ 16-10-304. Acts 1977, No. 853, § 4; A.S.A. 1947, § 22-1004.

§ 16-10-305. Acts 1977, No. 853, § 4; A.S.A. 1947, § 22-1004.

§ 16-10-306. Acts 1977, No. 853, § 4; A.S.A. 1947, § 22-1004.

§ 16-10-307. Acts 1977, No. 853, § 2; A.S.A. 1947, § 22-1002.

Effective Dates. Acts 1995, No. 1256, § 23: Apr. 13, 1995. Emergency clause provided: “It is hereby found and determined by the General Assembly of the State of Arkansas that the current system of funding the state judicial system has created inequity in the level of judicial services available to the citizens of the state; and it is further determined that the current method of financing the state judicial system has become so complex as to make the administration of the system impossible, and the lack of reliable data on the current costs of the state judicial system prohibits any comprehensive change in the funding of the system at this time. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval.”

Acts 1995 (1st Ex. Sess.), No. 13, § 13: Oct. 23, 1995. Emergency clause provided: “It is hereby found and determined by the General Assembly of the State of Arkansas that the current system of funding the state judicial system has created inequity in the level of judicial services available to the citizens of the state; and it is further determined that the current method of financing the state judicial system has become so complex as to make the administration of the system impossible, and the lack of reliable data on the current costs of the state judicial system prohibits any comprehensive change in the funding of the system at this time. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval.”

Acts 1997, No. 788, § 36: became law without the Governor's signature. Noted Mar. 11, 1997. Effective July 1, 1997. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the effectiveness of this act on July 1, 1997 is essential to the operation of the state court system, and that in the event of an extension of the Regular Session, the delay in the effective date of this act beyond July 1,

1997 could work irreparable harm upon the proper administration and provision of essential governmental progress. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety, shall be in full force and effect from and after July 1, 1997.”

Acts 1997, No. 1341, § 35: became law without the Governor’s signature. Noted Apr. 11, 1997. Effective July 1, 1997. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the effectiveness of this act on July 1, 1997 is essential to the operation of the state court system, and that in the event of an extension of the Regular Session, the delay in the effective date of this act beyond July 1, 1997 could work irreparable harm upon the proper administration and provision of essential governmental progress. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety, shall be in full force and effect from and after July 1, 1997.”

Acts 1999, No. 1508, § 19: Apr. 15, 1999. Emergency clause provided: “It is hereby found and determined by the Eighty-second General Assembly that this act makes various technical corrections in the Arkansas Code; that this act further clarifies the law to provide that the Arkan-

sas Code Revision Commission may correct errors resulting from enactments of prior sessions; and that this act should go into effect immediately in order to be applicable during the codification process of the enactments of this regular session. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto.”

Acts 2007, No. 177, § 15: July 1, 2007. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this bill affects the structure of the Arkansas District Judge Retirement System and the Arkansas Public Employees’ Retirement System and the ideal time to make revisions to the retirement systems is at the beginning of the state’s fiscal year. Therefore, an emergency is declared to exist and this act being necessary for the preservation of public peace, health, and safety shall become effective on July 1, 2007.”

Acts 2007, No. 663, § 56: Jan. 1, 2012.

16-10-301. Legislative intent.

(a) It is hereby found by the General Assembly that the current system of funding the state judicial system has created inequity in the level of judicial services available to the citizens of the state. It is further determined that the current method of financing the state judicial system has become so complex as to make the administration of the system impossible. Finally, it is determined that the lack of any reliable data on the current cost of the state judicial system prohibits any comprehensive change in the funding of the system at this time.

(b) It is, therefore, the intent of this act to eliminate the current system of collecting and assessing a large number of individual court costs and filing fees, to replace it with uniform costs and fees to be applied statewide, and to prohibit the implementation of new costs and fees for specific programs in the future.

History. Acts 1995, No. 1256, § 1.

A.C.R.C. Notes. As enacted by Acts

1995, No. 1256, § 1, subsection (b) of this section also provided: “It is, further, the

intent of this act to put in place a reporting system which will allow the General Assembly to obtain accurate data to determine the cost to the state for the funding of the judicial system, so as to allow the state, in the 1997-1999 biennium, to fund the cost of the judicial system from the costs, fees, fines, and such other sources as the General Assembly shall determine."

As enacted by Acts 1995, No. 1256, § 1, this section also contained a subsection (c) which provided: "(c) The General Assembly hereby advises all individuals, programs, and agencies which are affected by

this act and which receive or expend funds as a part of the state judicial system to be prepared to provide information on the level of expenditures, number of staff, and related information which were in place and existing during the period January 1, 1994 — December 31, 1994 to the 1997 session of the General Assembly."

Meaning of "this act". Acts 1995, No. 1256, codified as §§ 5-65-115, 5-65-307, 14-20-102, 14-42-112, 16-10-133, 16-10-301 — 16-10-310, 16-14-105, 16-17-402, 16-17-705, 16-21-106, 16-21-113, 16-21-1103, 16-21-1503, 20-7-123, 20-18-502, 21-6-403, 24-8-315.

16-10-302. Court costs and filing fees — Generally.

(a) Except as otherwise provided by this act, all filing fees and all court costs shall be uniform for each type of case in all general and limited jurisdiction courts of this state.

(b) In all cases filed in such courts on or after July 1, 1995, the court costs and filing fees shall be assessed and distributed according to this act.

(c) In all cases filed in such courts prior to July 1, 1995, all court costs and filing fees shall be assessed according to law in existence on the date of the filing, but shall be disbursed in accordance with this act.

History. Acts 1995, No. 1256, § 2; 1995 (1st Ex. Sess.), No. 13, § 1; 2001, No. 1809, § 1.

Meaning of "this act". See note to § 16-10-301.

16-10-303. Filing fees. [Repealed effective January 1, 2012.]

(a)(1) The uniform filing fee to be charged by clerks for initiating a civil cause of action in city courts in this state shall be twenty-five dollars (\$25.00).

(2) No portion of the filing fee shall be refunded.

(b) No city shall authorize, and no city court clerk shall assess or collect, any other filing fees than those authorized by this act, unless specifically provided by state law.

History. Acts 1995, No. 1256, § 6; 2001, No. 1809, § 5; 2003, No. 1105, § 48; 2007, No. 663, § 24.

Publisher's Notes. This section is repealed by Acts 2007, No. 663, § 24, effective January 1, 2012.

Effective Dates. Acts 2003, No. 1185, § 48: Jan. 1, 2005, by its own terms.

Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

"(a) Sections 2 through 15 of this act are effective January 1, 2008.

"(b) Sections 16 through 50 and 52

through 55 of this act are effective January 1, 2012.

"(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

"(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

"(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St.

Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

Meaning of “this act”. See note to § 16-10-301.

CASE NOTES

In General.

Neither §§ 16-10-301 — 16-10-305 nor §§ 21-6-402 — 21-6-406 refer to a fee that may be charged by bailiffs, clerks, or the courts for potential juror information.

Therefore, a circuit court erred when it refused to refund a \$3.00 fee charged by a bailiff for potential juror information in a criminal case. *Aikens v. State*, 368 Ark. 641, 249 S.W.3d 788 (2007).

16-10-304. State actions exempt from filing fees.

Prosecuting attorneys filing actions on behalf of the state, with the exception of child support cases, shall be exempt from paying filing fees.

History. Acts 1995, No. 1256, § 2; 1995 (1st Ex. Sess.), No. 13, § 1.

16-10-305. Court costs. [Effective until January 1, 2012.]

(a) There shall be levied and collected the following court costs from each defendant upon each conviction, each plea of guilty or nolo contendere, or each forfeiture of bond:

(1) In circuit court, one hundred fifty dollars (\$150) for misdemeanor or felony violations of state law, excluding violations of:

- (A) The Omnibus DWI Act, § 5-65-101 et seq.;
- (B) The Underage DUI Law, § 5-65-301 et seq.;
- (C) Section 5-75-101 et seq.;
- (D) Section 5-76-101 et seq.;
- (E) Section 27-23-114; or
- (F) Section 15-42-127;

(2) In district court, one hundred dollars (\$100) for offenses that are misdemeanors or violations of state law, excluding violations of:

- (A) The Omnibus DWI Act, § 5-65-101 et seq.;
- (B) The Underage DUI Law, § 5-65-301 et seq.;
- (C) Section 5-75-101 et seq.;
- (D) Section 5-76-101 et seq.;
- (E) Section 27-23-114; or
- (F) Section 15-42-127;

(3) In circuit court or district court, seventy-five dollars (\$75.00) for traffic offenses that are misdemeanors or violations under state law or local ordinance, excluding violations of:

- (A) The Omnibus DWI Act, § 5-65-101 et seq.;
- (B) The Underage DUI Law, § 5-65-301 et seq.;
- (C) Section 5-75-101 et seq.;
- (D) Section 5-76-101 et seq.;
- (E) Section 27-23-114; or
- (F) Section 15-42-127;

(4) For nontraffic offenses that are misdemeanors or violations under local ordinance in district or city court, twenty-five dollars (\$25.00);

(5) In circuit court, district court, or city court, three hundred dollars (\$300) for violations of:

- (A) The Omnibus DWI Act, § 5-65-101 et seq.;
- (B) The Underage DUI Law, § 5-65-301 et seq.;
- (C) Section 5-75-101 et seq.;
- (D) Section 5-76-101 et seq.;
- (E) Section 27-23-114; or
- (F) Section 15-42-127;

(6) In city court, seventy-five dollars (\$75.00) for offenses that are misdemeanors or violations under state law, excluding violations of:

- (A) The Omnibus DWI Act, § 5-65-101 et seq.;
- (B) The Underage DUI Law, § 5-65-301 et seq.;
- (C) Section 5-75-101 et seq.;
- (D) Section 5-76-101 et seq.;
- (E) Section 27-23-114; or
- (F) Section 15-42-127; and

(7) In city court, fifty dollars (\$50.00) for traffic offenses that are misdemeanors or violations under state law or local ordinance, excluding:

- (A) The Omnibus DWI Act, § 5-65-101 et seq.;
- (B) The Underage DUI Law, § 5-65-301 et seq.;
- (C) Section 5-75-101 et seq.;
- (D) Section 5-76-101 et seq.;
- (E) Section 27-23-114; or
- (F) Section 15-42-127.

(b)(1) The costs set forth in this section shall be imposed at the conclusion of any criminal case enumerated in subsection (a) of this section that does not end in an acquittal, dismissal, or, with the consent of the prosecution, an order nolle prosequi.

(2) The costs shall be imposed at the conclusion of cases involving a suspended or probated sentence even though that sentence may be expunged or otherwise removed from the defendant's record.

(c) No county, municipality, or town shall be liable for the payment of the costs taxed under this section in any instance where they are not collected, or in any case in which the defendant pays the costs by serving time in a jail, on a county farm, or at any other official place of detention or work.

(d) No municipality or county shall authorize and no city court, district court, or circuit court shall assess or collect any other court costs other than those authorized by this act, unless specifically provided by state law.

(e) This section shall become effective July 1, 2001, and the revised court costs shall be imposed on all cases which come before the court for final disposition on or after July 1, 2001.

History. Acts 1995, No. 1256, § 7; § 7; 2001, No. 1632, § 1; 2003, No. 1185, 1997, No. 788, § 4; 1997, No. 1341, § 4; § 49; 2009, No. 633, § 7.
1999, No. 1081, §§ 3, 12; 1999, No. 1508, **A.C.R.C. Notes.** Acts 2001, No. 1632,

§ 2, provided: “The additional funds which are generated from these fees and a portion of which are transferred to the State Administration of Justice Fund under § 16-10-307(e) and § 16-10-308(e) are assessed in order to provide essential funding for legal counsel for indigent parents and for children in dependency-neglect proceedings in juvenile cases.”

Publisher’s Notes. For text of section effective January 1, 2012, see the following version.

Amendments. The 2009 amendment rewrote (a).

Effective Dates. Acts 2003, No. 1185, § 49: Jan. 1, 2005, by its own terms.

Meaning of “this act”. See note to § 16-10-301.

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

Legislative intent of Acts 1997, Nos. 788 and 1341, § 16-10-601.

Transition to state funding, § 16-87-301.

CASE NOTES

ANALYSIS

In General.

Time Limitations.

In General.

Neither §§ 16-10-301 — 16-10-305 nor §§ 21-6-402 — 21-6-406 refer to a fee that may be charged by bailiffs, clerks, or the courts for potential juror information. Therefore, a circuit court erred when it refused to refund a \$3.00 fee charged by a bailiff for potential juror information in a criminal case. *Aikens v. State*, 368 Ark. 641, 249 S.W.3d 788 (2007).

Time Limitations.

Where the state appealed and claimed that the trial court lacked jurisdiction to grant defendant’s post trial motion to correct court costs, the appellate court treated the appeal as a petition for writ of certiorari under Ark. R. App. P. Crim. 3 and found that, under Ark. R. Crim. P. 33.3(b), defendant’s motion was filed six days after the 30-day deadline and was thus untimely. *State v. Boyette*, 362 Ark. 27, 207 S.W.3d 488 (2005).

16-10-305. Court costs. [Effective January 1, 2012.]

(a) There shall be levied and collected the following court costs from each defendant upon each conviction, each plea of guilty or nolo contendere, or each forfeiture of bond:

(1) For misdemeanor or felony violations of state law, excluding violations of the Omnibus DWI Act, § 5-65-101 et seq., in circuit court, one hundred fifty dollars (\$150);

(2) For offenses that are misdemeanors or violations of state law, excluding violations of the Omnibus DWI Act, § 5-65-101 et seq., in district court, one hundred dollars (\$100);

(3) For traffic offenses that are misdemeanors or violations under state law or town or city ordinance, excluding violations of the Omnibus DWI Act, § 5-65-101 et seq., in district court, seventy-five dollars (\$75.00);

(4) For nontraffic offenses that are misdemeanors or violations under town, city, or county ordinance in district court, twenty-five dollars (\$25.00); and

(5) For violations of the Omnibus DWI Act, § 5-65-101 et seq., in circuit court or district court, three hundred dollars (\$300).

(b)(1) The costs set forth in this section shall be imposed at the conclusion of any criminal case enumerated in subsection (a) of this section that does not end in an acquittal, dismissal, or, with the consent of the prosecution, an order nolle prosequi.

(2) The costs shall be imposed at the conclusion of cases involving a suspended or probated sentence even though that sentence may be expunged or otherwise removed from the defendant's record.

(c) No county, city, or town shall be liable for the payment of the costs taxed under this section in any instance where they are not collected, or in any case in which the defendant pays the costs by serving time in a jail, on a county farm, or at any other official place of detention or work.

(d) No town, city, or county shall authorize and no district court or circuit court shall assess or collect any other court costs other than those authorized by this act, unless specifically provided by state law.

(e) This section shall become effective July 1, 2001, and the revised court costs shall be imposed on all cases which come before the court for final disposition on or after July 1, 2001.

(f)(1) There shall be levied and collected from each defendant who pleads guilty or nolo contendere to an offense, is found guilty of an offense, or forfeits bond in city court on or before December 31, 2011, the court costs applicable in city court at that time.

(2) The court costs applicable in district court shall be levied and collected in all cases filed in city court in which a defendant pleads guilty or nolo contendere to an offense, is found guilty of an offense, or forfeits bond in district court on or after January 1, 2012.

History. Acts 1995, No. 1256, § 7; 1997, No. 788, § 4; 1997, No. 1341, § 4; 1999, No. 1081, §§ 3, 12; 1999, No. 1508, § 7; 2001, No. 1632, § 1; 2003, No. 1185, § 49; 2007, No. 663, § 25.

Publisher's Notes. For text of section effective until January 1, 2012, see the preceding version.

Amendments. The 2007 amendment substituted "town or city" for "local" in (a)(3); in (a)(4), substituted "town, city, or county" for "local" and deleted "or city" following "district"; deleted "or city court" preceding "three" in (a)(5); deleted former (a)(6) and (7); added (f); and made related changes throughout.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

"(a) Sections 2 through 15 of this act are effective January 1, 2008.

"(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

"(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

"(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

"(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009."

16-10-306. State Administration of Justice Fund. [Effective until January 1, 2012.]

(a) There is hereby created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund account to be known as the "State Administration of Justice Fund".

(b)(1) There is hereby created in the Department of Finance and Administration an Administration of Justice Funds Section, to which shall be remitted court costs and filing fees enumerated in §§ 21-6-403, 16-17-705, 16-10-303, and 16-10-305, as provided in this act, which are assessed and collected in the city courts, district courts, and circuit courts in this state.

(2)(A) Said funds shall be deposited by the section in the State Administration of Justice Fund.

(B) The section shall keep an accurate account of all receipts by type of case and type and location of court from which such fees and costs are submitted.

(c) The section shall also prescribe, in cooperation with the Administrative Office of the Courts and the Association of Arkansas Counties, appropriate forms for the reporting and allocation of all funds and such other information relevant to the income derived by and the costs associated with the operation of the justice system by cities and counties and shall require, beginning July 1, 1995, the use thereof by all parties remitting funds.

History. Acts 1995, No. 1256, § 9; 2003, No. 1185, § 50.

Publisher's Notes. For text of section effective January 1, 2012, see the following version.

Effective Dates. Acts 2003, No. 1185, § 50: Jan. 1, 2005, by its own terms.

Meaning of "this act". See note to § 16-10-301.

16-10-306. State Administration of Justice Fund. [Effective January 1, 2012.]

(a) There is hereby created on the books of the Treasurer of State, the Auditor of State, and the Chief Fiscal Officer of the State a trust fund account to be known as the "State Administration of Justice Fund".

(b)(1) There is hereby created in the Department of Finance and Administration an Administration of Justice Funds Section, to which shall be remitted court costs and filing fees enumerated in §§ 21-6-403, 16-17-705, and 16-10-305, as provided in this act, which are assessed and collected in the district courts and circuit courts in this state.

(2)(A) Said funds shall be deposited by the section in the State Administration of Justice Fund.

(B) The section shall keep an accurate account of all receipts by type of case and type and location of court from which such fees and costs are submitted.

History. Acts 1995, No. 1256, § 9; 2003, No. 1185, § 50; 2007, No. 663, § 26.

Publisher's Notes. For text of section effective until January 1, 2012, see the preceding version.

Amendments. The 2007 amendment, in (b)(1), deleted "16-14-105" following "21-6-403," "16-10-303" following "16-17-

705," and "city courts" preceding "district" and made related changes; and deleted (c).

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

"(a) Sections 2 through 15 of this act are effective January 1, 2008.

"(b) Sections 16 through 50 and 52

through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and de-

partments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-10-307. County administration of justice fund.

(a) There is hereby created in each county a fund in the office of the county treasurer to be known as the “county administration of justice fund”.

(b) The county administration of justice fund shall be used to defray a part of the expenses of the administration of justice in the county. From the fund, the county shall continue to finance the following county agencies and programs which are currently funded, in whole or in part, by filing fees and court costs, at a funding level equal to not less than the greater of the amount which was collected by the county from filing fees and court costs for the agency or program in the calendar year ending December 31, 1994, or the amount appropriated by ordinance enacted prior to December 31, 1994, or on February 13, 1995, or on February 14, 1995, or by resolution dated February 9, 1995, to the agency or program for the calendar year ending December 31, 1995:

(1) The prosecuting attorney fund, including all grant funds awarded and appropriated for the calendar year ending December 31, 1995;

(2) The prosecuting attorney’s victim-witness program fund;

(3) The public defender/indigent defense fund and public defender investigator fund, including all grant funds awarded and appropriated for the calendar year ending December 31, 1995;

(4) The county law library fund;

(5) The county jail fund; and

(6) The intoxication detection equipment fund.

(c)(1)(A) The county administration of justice fund of each county may retain an amount equal to the amount which was collected by the county from court costs and filing fees for county administration of justice expense in the calendar year ending December 31, 1994, or the amount appropriated from court costs and filing fees by ordinance enacted prior to December 31, 1994, or on February 13, 1995, or on February 14, 1995, or by resolution dated February 9, 1995, for county administration of justice expense from court costs and filing fees for the calendar year ending December 31, 1995, plus, for calendar years 1995 — 2001, an additional amount based upon the average percentage increase in the Consumer Price Index for All Urban Consumers or its successor, as published by the United States Department of Labor for the two (2) years immediately preceding.

(B)(i) The amount retained during calendar years 2002, 2003, 2004, and 2005 shall be the amount retained during calendar year 2001.

(ii) Except as provided in subdivision (c)(1)(B)(iii) of this section, for calendar years beginning 2006 and each calendar year thereafter, an additional amount shall be added to the amount to be retained based upon the average percentage increase in the Consumer Price Index for All Urban Consumers or its successor, as published by the United States Department of Labor for the two (2) years immediately preceding.

(iii) The provisions of subdivision (c)(1)(B)(ii) of this section shall not be effective if the Chief Fiscal Officer of the State determines that the additional amount retained under subdivision (c)(1)(B)(ii) of this section has exceeded one million dollars (\$1,000,000) in a calendar year and any additional amount to be retained must be authorized by the General Assembly.

(C) All local ordinances of the counties and cities authorized and adopted under § 24-8-318 shall remain in full force and effect.

(2) For the calendar year beginning January 1, 1998, the base amount to be retained shall be:

(A) Increased by any increase in the Consumer Price Index for All Urban Consumers as provided for in subdivision (c)(1) of this section; and

(B) Decreased by eighty-five percent (85%) of the total dollar amount which was certified by the county as having been collected during calendar year 1994 and for the purpose of funding the office and operation of the public defender and public defender investigator.

(d) Nothing in this section shall prevent the county from funding any additional costs for the administration of justice from these or other county funds.

(e) The county shall remit on or before the fifteenth day of each month all sums received in excess of the amounts necessary to fund the expenses enumerated in subsections (b) and (c) of this section during the previous month from the uniform filing fees provided for in § 21-6-403 and the uniform court costs provided for in § 16-10-305 to the Department of Finance and Administration, Administration of Justice Funds Section, for deposit in the State Administration of Justice Fund.

History. Acts 1995, No. 1256, §§ 10, 12; 1995 (1st Ex. Sess.), No. 13, § 7; 1997, No. 788, § 6; 1997, No. 1341, § 6; 2001, No. 1611, § 1; 2003, No. 1185, § 51; 2005, No. 434, § 1; 2005, No. 2212, § 1; 2007, No. 177, § 2.

A.C.R.C. Notes. As enacted by Acts 1995, No. 1256, § 10, this section contained an additional subsection which provided: "Nothing in this act shall prevent the county from funding any additional costs for the administration of justice from other county funds or as disbursed by the county as required and authorized by the 80th General Assembly

meeting in regular session."

Amendments. The 2005 amendment by No. 434 substituted "fifteenth day of each month" for "tenth day of November 1995 and on or before the tenth day of each month thereafter" in (e).

The 2005 amendment by No. 2212 redesignated former (c)(1)(B) as present (c)(1)(B)(i); substituted "years 2002, 2003, 2004, and 2005" for "year 2002 and each calendar year thereafter"; and added (c)(1)(B)(ii), (c)(1)(B)(iii) and (c)(1)(C).

The 2007 amendment deleted "Notwithstanding the creation of the Arkansas District Judge Retirement System on Janu-

ary 1, 2005” at the beginning of (c)(1)(C), and made a related change.

Cross References. Legislative intent of Acts 1997, Nos. 788 and 1341, § 16-10-601.

Transition to state funding, § 16-87-301.

Use of County Jail Fund for supervision and transportation of inmates, § 12-41-716.

CASE NOTES

ANALYSIS

Purpose.
Applicability.

Purpose.

The intent of this section and § 16-87-306 is to provide representation for indigents in cases in which there is a potential for loss of liberty, but the provision of § 14-20-102 that grants authority for the trial court to appoint attorneys for minors in civil litigation to be paid by county funds, was not incorporated in the stat-

utes establishing and defining the duties and responsibilities of the Commission. Arkansas Pub. Defender Comm’n v. Burnett, 340 Ark. 233, 12 S.W.3d 191 (2000).

Applicability.

This section, which allocates to the Public Defender Commission a portion of county funds established by § 14-20-102, does not contain language authorizing the Commission to expend funds for the civil representation of a minor. Arkansas Pub. Defender Comm’n v. Burnett, 340 Ark. 233, 12 S.W.3d 191 (2000).

16-10-308. City administration of justice fund. [Effective until January 1, 2012.]

(a) There is hereby created in each municipality which operates a police, city, or district court a fund in the office of the city treasurer to be known as the “city administration of justice fund”.

(b) The city administration of justice fund shall be used to defray a part of the expense of the administration of justice in the city. From the fund, the city shall continue to finance the following city agencies and programs which are currently funded, in whole or in part, by filing fees and court costs, at a funding level equal to not less than the greater of the amount which was collected by the city from court costs and filing fees for the agency or program in the calendar year ending December 31, 1994, or the amount appropriated by ordinance enacted prior to December 31, 1994, to the agency or program for the calendar year ending December 31, 1995:

- (1) The municipal court judge and clerk retirement fund;
- (2) The police and fire pension fund;
- (3) The intoxication detection equipment fund;
- (4) All municipal-level programs and agencies funded in whole or in part by court costs and filing fees assessed and collected by the municipal, city, or police court, notwithstanding the repeal by this act of laws authorizing the collection of court costs and filing fees; and
- (5) All county-level programs and agencies funded in whole or in part by court costs and filing fees assessed and collected by the municipal, city, or police court, notwithstanding the repeal by this act of laws authorizing the collection of court costs and filing fees and the disbursement of all or a part thereof to the county.

(c)(1)(A) The city administration of justice fund of each city may retain an amount equal to the amount which was collected by the city

from court costs and filing fees for city administration of justice expense in the calendar year ending December 31, 1994, or the amount appropriated from court costs and filing fees by ordinance enacted prior to December 31, 1994, for city or county administration of justice expense from court costs and filing fees for the calendar year ending December 31, 1995, plus, for calendar years 1995-2001, an additional amount based upon the average percentage increase in the Consumer Price Index for All Urban Consumers or its successor, as published by the United States Department of Labor for the two (2) years immediately preceding.

(B)(i) The amount retained during calendar years 2002, 2003, 2004, and 2005 shall be the amount retained during calendar year 2001.

(ii) Except as provided in subdivision (c)(1)(B)(iii) of this section, for calendar years beginning 2006 and each calendar year thereafter, an additional amount shall be added to the amount to be retained based upon the average percentage increase in the Consumer Price Index for All Urban Consumers or its successor, as published by the United States Department of Labor for the two (2) years immediately preceding.

(iii) The provisions of subdivision (c)(1)(B)(ii) of this section shall not be effective if the Chief Fiscal Officer of the State determines that the additional amount retained under subdivision (c)(1)(B)(ii) of this section has exceeded one million dollars (\$1,000,000) in a calendar year, and any additional amount to be retained must be authorized by the General Assembly.

(C) All local ordinances of the counties and cities authorized and adopted under § 24-8-318 shall remain in full force and effect.

(2) For the calendar year beginning January 1, 1998, the base amount to be retained shall be:

(A) Increased by any increase in the Consumer Price Index as provided for in subdivision (c)(1) of this section; and

(B) Decreased by eighty-five percent (85%) of the total dollar amount which was certified by the city as having been collected during calendar year 1994 for the purpose of funding the office and operation of the public defender and public defender investigator.

(d) Nothing in this act shall prevent the city from funding any additional costs for the administration of justice from other city funds.

(e) The city shall remit, on or before the fifteenth day of each month, all sums received in excess of the amounts necessary to fund the expenses enumerated in subsections (b) and (c) of this section during the previous month from the uniform filing fees provided for in §§ 16-10-303 and 16-17-705 and the uniform court costs provided for in § 16-10-305 to the Administration of Justice Funds Section of the Office of Administrative Services of the Department of Finance and Administration for deposit in the State Administration of Justice Fund.

History. Acts 1995, No. 1256, §§ 11, 13; 1997, No. 788, § 8; 1997, No. 1341, § 8; 2001, No. 1611, § 2; 2003, No. 1185, §§ 52, 53; 2005, No. 1934, § 4; 2005, No. 2212, § 2; 2007, No. 177, § 3.

Publisher's Notes. For text of section effective January 1, 2012, see the following version.

Amendments. The 2005 amendment by No. 1934 substituted "fifteenth day of each month" for "tenth day of November, 1995, and on or before the tenth day of each month thereafter" in (e).

The 2005 amendment by No. 2212 redesignated former (c)(1)(B) as present (c)(1)(B)(i); substituted "years 2002, 2003, 2004, and 2005" for "year 2002 and each calendar year thereafter" in present (c)(1)(B)(i); and added (c)(1)(B)(ii), (c)(1)(B)(iii) and (c)(1)(C).

The 2007 amendment deleted "Notwithstanding the creation of the Arkansas District Judge Retirement System on January 1, 2005" at the beginning of (c)(1)(C), and made a related change.

Meaning of "this act". See note to § 16-10-301.

Cross References. Additional funding sources for the municipal court judges' and court clerks' retirement benefits, §§ 24-8-317 and 24-8-318.

District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

Legislative intent of Acts 1997, Nos. 788 and 1341, § 16-10-601.

Transition to state funding, § 16-87-301.

Effective Dates. Acts 2003, No. 1185, § 53: Jan. 1, 2005, by its own terms.

16-10-308. City administration of justice fund. [Effective January 1, 2012.]

(a)(1) There is hereby created in each town or city which operates a district court a fund in the office of the city treasurer to be known as the "city administration of justice fund".

(2)(A) A town or city operating a city court that becomes a department of district court shall continue to maintain the city administration of justice fund as originally established by this section.

(B) The city administration of justice fund of any town or city shall cease to exist on and after the effective date of the ordinance that abolishes the department of district court for that town or city pursuant to state law.

(b) The city administration of justice fund shall be used to defray a part of the expense of the administration of justice in the town or city. From the fund, the town or city shall continue to finance the following town or city agencies and programs which are currently funded, in whole or in part, by filing fees and court costs, at a funding level equal to not less than the greater of the amount which was collected by the town or city from court costs and filing fees for the agency or program in the calendar year ending December 31, 1994, or the amount appropriated by ordinance enacted prior to December 31, 1994, to the agency or program for the calendar year ending December 31, 1995:

(1) The municipal court judge and clerk retirement fund for disbursement as otherwise provided by law;

(2) The police and fire pension fund;

(3) The intoxication detection equipment fund;

(4) All municipal-level programs and agencies funded in whole or in part by court costs and filing fees assessed and collected by the district court, notwithstanding the repeal by this act of laws authorizing the collection of court costs and filing fees; and

(5) All county-level programs and agencies funded in whole or in part by court costs and filing fees assessed and collected by the district court, notwithstanding the repeal by this act of laws authorizing the collection of court costs and filing fees and the disbursement of all or a part thereof to the county.

(c)(1)(A) The city administration of justice fund of each town or city may retain an amount equal to the amount which was collected by the town or city from court costs and filing fees for city administration of justice expense in the calendar year ending December 31, 1994, or the amount appropriated from court costs and filing fees by ordinance enacted prior to December 31, 1994, for city or county administration of justice expense from court costs and filing fees for the calendar year ending December 31, 1995, plus, for calendar years 1995-2001, an additional amount based upon the average percentage increase in the Consumer Price Index for All Urban Consumers or its successor, as published by the United States Department of Labor for the two (2) years immediately preceding.

(B)(i) The amount retained during calendar years 2002, 2003, 2004, and 2005 shall be the amount retained during calendar year 2001.

(ii) Except as provided in subdivision (c)(1)(B)(iii) of this section, for calendar years beginning 2006 and each calendar year thereafter, an additional amount shall be added to the amount to be retained based upon the average percentage increase in the Consumer Price Index for All Urban Consumers or its successor, as published by the United States Department of Labor for the two (2) years immediately preceding.

(iii) The provisions of subdivision (c)(1)(B)(ii) of this section shall not be effective if the Chief Fiscal Officer of the State determines that the additional amount retained under subdivision (c)(1)(B)(ii) of this section has exceeded one million dollars (\$1,000,000) in a calendar year, and any additional amount to be retained must be authorized by the General Assembly.

(C) All local ordinances of the counties and cities authorized and adopted under § 24-8-318 shall remain in full force and effect.

(2) For the calendar year beginning January 1, 1998, the base amount to be retained shall be:

(A) Increased by any increase in the Consumer Price Index as provided for in subdivision (c)(1) of this section; and

(B) Decreased by eighty-five percent (85%) of the total dollar amount which was certified by the town or city as having been collected during calendar year 1994 for the purpose of funding the office and operation of the public defender and public defender investigator.

(d) Nothing in this act shall prevent the town or city from funding any additional costs for the administration of justice from other town or city funds.

(e) The town or city shall remit, on or before the fifteenth day of each month, all sums received in excess of the amounts necessary to fund the

expenses enumerated in subsections (b) and (c) of this section during the previous month from the uniform filing fees provided for in § 16-17-705 and the uniform court costs provided for in § 16-10-305 to the Administration of Justice Funds Section of the Office of Administrative Services of the Department of Finance and Administration for deposit in the State Administration of Justice Fund.

History. Acts 1995, No. 1256, §§ 11, 13; 1997, No. 788, § 8; 1997, No. 1341, § 8; 2001, No. 1611, § 2; 2003, No. 1185, §§ 52, 53; 2005, No. 1934, § 4; 2005, No. 2212, § 2; 2007, No. 177, § 3; 2007, No. 663, § 27.

Publisher's Notes. For text of section effective until January 1, 2012, see the preceding version.

Amendments. The 2007 amendment by No. 177 deleted "Notwithstanding the creation of the Arkansas District Judge Retirement System on January 1, 2005" at the beginning of (c)(1)(C), and made a related change.

The 2007 amendment by No. 663 inserted "town or" preceding "city" throughout the section; in (a), substituted "town or city which operates a district court" for "municipality which operates a police, city, or district court" in (1) and added (2); added "for disbursement as otherwise provided by law" in (b)(1); substituted "district" for "municipal, city, or police": in (b)(4) and (5); substituted "§ 16-17-705" for "§§ 16-10-303 and 16-17-705" in (e); and made related changes.

Cross References. Additional funding sources for the municipal court judges' and court clerks' retirement benefits,

§§ 24-8-317 and 24-8-318.

District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

Legislative intent of Acts 1997, Nos. 788 and 1341, § 16-10-601.

Transition to state funding, § 16-87-301.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

"(a) Sections 2 through 15 of this act are effective January 1, 2008.

"(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

"(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

"(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

"(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009."

16-10-309. Failure to submit funds or reports.

(a) In the event a town, city, or county fails to timely or adequately submit funds and reports required by § 16-10-306, § 16-10-307(d), § 16-10-308(e), or other state law requiring a town, city, or county to submit funds and reports to the Administration of Justice Funds Section of the Office of Administrative Services of the Department of Finance and Administration:

(1)(A)(i) The Attorney General may file a civil suit in circuit court against the town, city, or county alleged to have failed to submit the funds.

(ii) If the town, city, or county is found by the court to have failed to submit the funds and reports, the court shall impose a civil penalty on the town, city, or county of ten percent (10%) of the amount required to be remitted for the period of time the town, city, or county has failed to be in compliance.

(iii) The action may be brought in the circuit court of the subject county or the Pulaski County Circuit Court.

(iv) The Attorney General shall be allowed to recover costs and attorney's fees associated with the civil suit from the town, city, or county found to have failed to be in compliance.

(B) The Chief Fiscal Officer of the State, upon a finding that the town, city, or county has failed to submit the funds and reports, may withhold from month to month an equal amount from the town's, city's, or county's share of the state turnback funds owed to the town, city, or county until the funds required to be paid have been submitted; and

(2)(A) Provided that the failure to act continues for a period of sixty (60) days, the state, upon a finding by the Chief Fiscal Officer of the State, may require the town, city, or county to remit all costs, fees, or other funds, however designated under subdivision (a)(1) of this section.

(B) The town, city, or county will thereafter receive its share of these funds at a time and in the manner prescribed by regulations of the Chief Fiscal Officer of the State.

(b)(1) All funds received under § 16-10-306, § 16-10-307(d), or § 16-10-308(e) shall be transferred to the State Administration of Justice Fund to be held and distributed under this subchapter.

(2) All other funds received shall be transferred to the appropriate state fund as provided by law.

History. Acts 1995, No. 1256, § 14; 2005, No. 1934, § 5; 2007, No. 133, § 1; 2009, No. 166, § 1.

Amendments. The 2005 amendment inserted "town" throughout this section; inserted "or other state ... and Administration" in (a); inserted the present subdivision designations in (a)(1)(A) and (a)(2); deleted "required by this act" at the end of (a)(1)(A)(i) and following "and reports" in (a)(1)(A)(ii) and (a)(1)(B); deleted "with this act" from the end of (a)(1)(A)(ii); substituted "failed to be in compliance" for "violated the provisions of this act" in (a)(1)(A)(iv); deleted "by this act" following "to be paid" in (a)(1)(B); in (a)(2)(A), inserted "or other funds however designated" and substituted "under subsection

(a) of this section" for "generated by this act"; redesignated former (b) as present (b)(1); in (b)(1), substituted "under § 16-10-306, § 16-10-307(d), or § 16-10-308(e)" for "pursuant to subsection (a) of this section," and "under this subchapter" for "pursuant to this act"; added (b)(2) and made minor stylistic and related changes.

The 2007 amendment substituted "subdivision (a)(1)" for "subsection (a)" in (a)(2)(A); and made minor stylistic changes.

The 2009 amendment substituted "compliance" for "compliance; and" in (a)(1)(A)(iv) and made a minor punctuation change.

Meaning of "this act". See note to § 16-10-301.

16-10-310. Distribution of revenue.

(a) At the close of books on the twentieth working day of November, 1995, and on or before the twentieth working day of each month thereafter, the Department of Finance and Administration shall make the following distribution of revenue received for the previous month and credited to the State Administration of Justice Fund.

(b) The following state programs and agencies shall be paid at an annual rate, at not less than the amounts certified by the Department of Finance and Administration which were received by the program or agency in the fiscal year ending June 30, 1995, in a monthly installment of at least one-twelfth (1/12) of the annual appropriation provided for each agency for this purpose from the State Administration of Justice Fund:

(1) The Board of Trustees of the University of Arkansas for the purpose and as regulated by §§ 6-64-604 — 6-64-606;

(2) The Public Health Fund and the Drug Abuse Prevention and Treatment Fund for use in the drug abuse prevention and treatment program of the Office of Alcohol and Drug Abuse Prevention of the Division of Behavioral Health of the Department of Human Services;

(3) The Highway Safety Special Fund for programs of the Highway Safety Program [repealed];

(4) The Department of Arkansas State Police for the State Police Retirement Fund;

(5) The Crime Victims Reparations Revolving Fund for the purpose of and as regulated by § 16-90-701 et seq.;

(6) The Prosecutor Coordinator's office for deposit in the Law Enforcement and Prosecutor Drug Enforcement Training Fund;

(7) The Crime Information System Fund;

(8) The Justice Building Construction Fund;

(9) The District Court Judge and District Court Clerk Education Fund;

(10) The Judges Retirement Fund;

(11) The State Central Services Fund for the benefit of the Arkansas Public Defender Commission;

(12) The Court Reporter's Fund;

(13) The Justice Building Fund;

(14) The Arkansas Counties Alcohol and Drug Abuse and Crime Prevention Program Fund;

(15) The State Administration of Justice Fund for disbursement by the Auditor of State to fund the trial court staff persons authorized by § 16-10-133;

(16) The Department of Arkansas State Police Fund;

(17) The State Central Services Fund for the benefit of the Division of Dependency-Neglect Representation of the Administrative Office of the Courts;

(18) The Miscellaneous Agencies Fund Account for the benefit of the State Crime Laboratory;

(19) The District Judges Association for the District Court Coordinator;

(20) The Public Legal Aid Fund;

(21) The Administrative Office of the Courts for county reimbursements for jurors; and

(22) The Administrative Office of the Courts to reimburse the State Central Services Fund for the Drug Court Coordinator.

History. Acts 1995, No. 1256, § 15; 1995 (1st Ex. Sess.), No. 13, § 2; 1997, No. 788, § 10; 1997, No. 1341, § 10; 2003, No. 1185, § 54; 2009, No. 166, § 2.

A.C.R.C. Notes. The Highway Safety Program referred to in (b)(3) was the former Highway Safety Special Fund, a fund repealed by Acts 1997, No. 298.

Publisher's Notes. Acts 1997, No. 855, § 5, set out the maximum allocation to each fund for fiscal years 1997-98 and 1998-99.

Amendments. The 2009 amendment rewrote (2), deleted (7) and redesignated

the remaining subsections accordingly; substituted "Judges Retirement" for "Arkansas Judicial Retirement System" in (10); inserted "State" in (15); added (16) through (22); and made related changes.

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

Legislative intent of Acts 1997, Nos. 788 and 1341, § 16-10-601.

Transition to state funding, § 16-87-301.

16-10-311. Transfer of funds from State Administration of Justice Fund.

The Department of Finance and Administration may transfer funds, from time to time, from the State Administration of Justice Fund to the State Central Services Fund in such amounts as may be required to reimburse the State Central Services Fund for expenses of the Administration of Justice Funds Section of the Department of Finance and Administration.

History. Acts 1997, No. 855, § 4.

16-10-312. Distribution of State Administration of Justice Fund.

In the event that the fund balance in the State Administration of Justice Fund is inadequate to fund the monthly allocation to state agencies, the funds will be distributed as follows:

(1) All monthly allocations to state agencies will be funded in the percentage of the total funds available in the State Administration of Justice Fund; that is, if less than one hundred percent (100%) of the total monthly allocation is available for distribution, all monthly allocations to state agencies will be funded at an equal percentage consistent with the available funds; and

(2) Any shortage from one (1) month will be adjusted in future months' payments as funds become available.

History. Acts 1997, No. 855, § 8.

A.C.R.C. Notes. Acts 2001, No. 1532, § 5, provided: "Funding Adjustment. In the event that the fund balance in the Administration of Justice Fund is inadequate to fund the monthly allocation to State Agencies, the funds will be distributed as follows: All monthly allocations to State Agencies will be funded in the percentage of the total funds available in the Administration of Justice Fund; that is if less than 100% of the total monthly allocation is available for distribution, all

monthly allocations to State Agencies will be funded at an equal percentage consistent with the available funds. Any shortage from one month will be adjusted in future months' payments as funds become available. The provisions of this section shall be in effect only from July 1, 2001 through June 30, 2003."

Acts 2005, No. 2298 § 65, provided: "DISTRIBUTION OF ADMINISTRATION OF JUSTICE FUNDS. In the event that the fund balance in the Administration of Justice Fund is inadequate to fund

the monthly allocation to State Agencies, the funds will be distributed as follows:

“All monthly allocations to State Agencies will be funded in the percentage of the total funds available in the Administration of Justice Fund; that is if less than 100% of the total monthly allocation is available for distribution, all monthly allocations to State Agencies will be funded at an equal percentage consistent with the available funds, provided that any of the allocations listed in Section 66 that have been fully pledged prior to January 1, 2001 to the repayment of a bond issue or bond issues shall not be reduced below the amount listed in Section 66. Any shortage from one month will be adjusted in future months’ payments as funds become available.

“The provisions of this section shall be in effect only from July 1, 2005 through June 30, 2007.”

Acts 2010, No. 238, § 58, provided: “DISTRIBUTION OF ADMINISTRATION OF JUSTICE FUNDS. In the event

that the fund balance in the Administration of Justice Fund is inadequate to fund the monthly allocation to State Agencies, the funds will be distributed as follows:

“All monthly allocations to State Agencies will be funded in the percentage of the total funds available in the Administration of Justice Fund; that is if less than 100% of the total monthly allocation is available for distribution, all monthly allocations to State Agencies will be funded at an equal percentage consistent with the available funds, provided that any of the allocations listed in Section 59 that have been fully pledged prior to January 1, 2001 to the repayment of a bond issue or bond issues shall not be reduced below the amount listed in Section 59. Any shortage from one month will be adjusted in future months’ payments as funds become available.

“The provisions of this section shall be in effect only from July 1, 2010 through June 30, 2011.”

16-10-313. Support for State Crime Laboratory.

Notwithstanding §§ 16-10-306, 16-10-307, 16-10-603, 16-10-604, and 19-5-993 or any other law to the contrary, twenty-five dollars (\$25.00) of the uniform filing fee collected in circuit court under § 21-6-403(b)(1) shall be deposited into the State Treasury as special revenues to the credit of the Miscellaneous Agencies Fund Account, there to be used solely for the operations and support of the State Crime Laboratory. These moneys shall be in addition to all other sources of funding for the State Crime Laboratory and shall not be used to supplant any other source of funding for the State Crime Laboratory.

History. Acts 2005, No. 65, § 2.

16-10-314. Support for Arkansas publicly funded law schools.

(a) Notwithstanding §§ 16-10-306, 16-10-307, 16-10-603, 16-10-604, and 19-5-993 or any other law to the contrary, fifteen dollars (\$15.00) of the uniform filing fee collected in circuit court under § 21-6-403(b)(1) shall be deposited as follows:

(1) Fifty percent (50%) of the revenues shall be deposited into the State Treasury as special revenues to the credit of the University of Arkansas Fund, there to be used for the support of the University of Arkansas School of Law; and

(2) Fifty percent (50%) of the revenues shall be deposited into the State Treasury as special revenues to the credit of the University of Arkansas at Little Rock Fund, there to be used for the support of the University of Arkansas at Little Rock School of Law.

(b) These moneys shall be in addition to all other sources of funding for the law schools and shall not be used to supplant any other source of funding for the law schools.

History. Acts 2005, No. 431, § 2.

16-10-315. City courts — Loss of authority — Enforcement by Department of Finance and Administration. [Effective until January 1, 2012.]

(a) If the Department of Finance and Administration determines that a city court is not in substantial compliance with § 16-10-306 or § 16-10-308, the department shall report the findings to the Legislative Joint Auditing Committee.

(b)(1) Upon notification of noncompliance by the department, the committee shall notify in writing the mayor, the city or town council, the city court judge, and the city court clerk that the city court is not in substantial compliance with this subchapter.

(2) The city court shall have ninety (90) days after the date of notification to substantially comply with this subchapter.

(3)(A) After the ninety (90) days allowed for compliance or upon request by the appropriate city court officials, the department shall review the city court's records to determine if the city court is in substantial compliance with this subchapter.

(B) The department shall report its findings to the committee.

(d) If the city court has not achieved substantial compliance within the ninety-day period, the committee shall notify both the Administrative Office of the Courts and the city court of the noncompliance and inform the city court that it no longer has authority to operate.

History. Acts 2009, No. 488, § 2.

SUBCHAPTER 4 — JUDICIAL DISCIPLINE AND DISABILITY COMMISSION

SECTION.

16-10-401. Definitions.

16-10-402. Creation.

16-10-403. Director — Staff.

16-10-404. Duties — Records.

16-10-405. Rules.

16-10-406. Immunity from suit.

SECTION.

16-10-407. Leave.

16-10-408. Suspension with pay.

16-10-409. Mandatory suspension.

16-10-410. Removal from office.

16-10-411. Vacancy.

Effective Dates. Acts 1993, No. 505, § 11: July 1, 1993. Emergency clause provided: "It is hereby found and determined by the Seventy-Ninth General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1,

1993 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1993 could work irreparable harm upon the proper administration and provision of essential govern-

mental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1993."

Acts 1997, No. 250, § 258: Feb. 24, 1997. Emergency clause provided: "It is hereby found and determined by the General Assembly that Act 1211 of 1995 established the procedure for all state boards and commissions to follow regarding reimbursement of expenses and stipends for board members; that this act amends various sections of the Arkansas Code which are in conflict with the Act 1211 of

1995; and that until this cleanup act becomes effective conflicting laws will exist. Therefore an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor [sic], it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

RESEARCH REFERENCES

Am. Jur. 46 Am. Jur. 2d, Judges, § 50 et seq.

C.J.S. 48A C.J.S., Judges, § 40 et seq.

U. Ark. Little Rock L.J. Survey, Legal Profession, 12 U. Ark. Little Rock L.J. 649.

Averill, Observations on the Wyoming Experience with Merit Selection of Judges: A Model for Arkansas, 17 U. Ark. Little Rock L.J. 281.

16-10-401. Definitions.

The word "judge" in this subchapter means anyone, whether or not a lawyer, who is an officer of the judicial system performing judicial functions, including an officer such as a referee, special master, court commissioner, or magistrate, whether full-time or part-time.

History. Acts 1989, No. 637, § 1.

16-10-402. Creation.

(a) There is hereby established a commission to be known as the Judicial Discipline and Disability Commission, hereinafter referred to as the "commission", consisting of nine (9) members, each of whom shall be residents of Arkansas, and shall be appointed as follows:

(1) Three (3) members shall be judges of the Arkansas Court of Appeals, circuit court, or municipal court appointed by the Arkansas Supreme Court;

(2) Three (3) members shall be lawyers admitted to practice in Arkansas who are not judges or former or retired judges, one (1) of whom shall be appointed by the Attorney General, one (1) by the President of the Senate, and one (1) by the Speaker of the House of Representatives; and

(3) Three (3) members, who are neither lawyers, or judges, or former or retired judges, appointed by the Governor.

(b)(1) A commission member shall serve for a term of six (6) years and shall be eligible for reappointment to a second full term.

(2) A member appointed to a term of less than six (6) years or to fill an unexpired term may be reappointed to two (2) full terms.

(3) The appointing authority for each category of commission membership shall also appoint an alternate member for each regular member appointed. An alternate member shall be appointed for a term of six (6) years and may be reappointed for a second term. An alternate member appointed to fill an unexpired term shall be eligible for an appointment for two (2) full terms.

(c) If a commission member or an alternate commission member moves out of the jurisdiction, ceases to be eligible for appointment to represent the category for which he or she was appointed, or becomes unable to serve for any reason, a vacancy shall occur. An appointment to fill a vacancy for the duration of its unexpired term shall be made by the appropriate appointing authority, effective no later than sixty (60) days from the occurrence of the vacancy. If a vacancy is not filled in accordance with this subsection, the Chief Justice of the Supreme Court shall, within ten (10) days thereafter, appoint, from the category to be represented, a member who shall serve for the duration of the unexpired term.

(d) Commission members shall serve without pay, but may receive expense reimbursement in accordance with § 25-16-901 et seq.

History. Acts 1989, No. 637, § 2; 1997, No. 250, § 116.

Publisher's Notes. Acts 1989, No. 637, § 2, provided, in part, that initial appointments shall be made so that the terms of one member in each of the three categories shall expire every other year.

Acts 1989, No. 632, § 2, also provided: "When initial appointments are made, the appointing authority for each category of commission membership shall also appoint an alternate member for each regular member appointed."

Ark. Const., Am. 80, § 19(A)(2) provided that all circuit, chancery, and circuit-chancery judges "in office at the time this Amendment takes effect shall continue in office as Circuit judges..." Amendment 80 further provided in § 19(B)(1) that the circuit courts would "assume the jurisdiction of Circuit, Chancery, Probate

and Juvenile Courts." Accordingly, the reference to "circuit court, chancery court" in subdivision (a)(1) has now been made "circuit court" in conformity with Amendment 80. This change made by Amendment 80 took effect July 1, 2001. Amendment 80 also provides that many of the lower courts will combine into district courts. The first portion of Amendment 80, § 19(B)(2) state "District Courts shall have the jurisdiction vested in Municipal Courts, Corporation Courts, Police Courts, Justice of the Peace Courts, and Courts of Common Pleas at the time this Amendment takes effect. District Courts shall assume the jurisdiction of these courts of limited jurisdiction and other jurisdiction conferred in this Amendment on January 1, 2005."

Cross References. Judicial Discipline And Disability Commission, Ark. Const. Amend. 66.

16-10-403. Director — Staff.

(a) The Judicial Discipline and Disability Commission shall employ a director and such additional professional and clerical staff as may be authorized, from time to time, by appropriation passed by the General Assembly.

(b) Effective July 1, 1994, the Director of the Judicial Discipline and Disability Commission shall be an attorney licensed to practice in the State of Arkansas.

(c) The director shall not engage in the practice of law nor serve in a judicial capacity during his or her employment.

History. Acts 1989, No. 637, § 2; 1993, No. 505, § 5.

16-10-404. Duties — Records.

(a) The Judicial Discipline and Disability Commission shall initiate or shall receive information, conduct investigations and hearings, and make recommendations to the Supreme Court concerning:

- (1) Allegations of judicial misconduct;
- (2) Allegations of physical or mental disability of judges requiring leave or involuntary retirement; and
- (3) Matters of voluntary retirement or leave for disability.

(b)(1) Investigatory records, files, and reports of the commission are confidential, and no disclosure of information, written, recorded, or oral, received or developed by the commission in the course of an investigation related to alleged misconduct or disability of a judge shall be made except as follows:

(A) Upon waiver in writing by the judge at any stage of the proceedings;

(B) Upon inquiry by an appointing authority or by a state or federal agency conducting investigations on behalf of such authority in connection with the selection or appointment of judges;

(C) In cases in which the subject matter or the fact of the filing of charges has become public, if deemed appropriate by the commission, it may issue a statement in order to confirm the pendency of the investigation, to clarify the procedural aspects of the proceedings, to explain the right of the judge to a fair hearing, and to state that the judge denies the allegations;

(D) Upon inquiry in connection with the assignment or recall of a retired judge to judicial duties, by or on behalf of the assigning authority;

(E) Upon the commission's taking final action with respect to a complaint about a judge, notice of the final action shall become public information;

(F) Where the circumstances necessitating the initiation of an inquiry include notoriety, or where the conduct in question is a matter of public record, information concerning the lack of cause to proceed shall be released by the commission;

(G) If, during the course of or after an investigation or hearing, the commission reasonably believes that there may have been a violation of any rules of professional conduct of attorneys at law, the commission may release such information to any committee, commission, agency, or body within or outside of the state empowered to investi-

gate, regulate, or adjudicate matters incident to the legal profession; or

(H) If, during the course of or after an investigation or hearing, the commission reasonably believes that there may have been a violation of criminal law, the commission shall release such information to the appropriate prosecuting attorney.

(2) All proceedings held prior to a determination of probable cause and the filing of formal charges shall be confidential. Any hearing scheduled after the filing of formal charges shall be open to the press and to the public, except that following the completion of the introduction of all evidence, the commission may convene to executive session for the purpose of deliberating its final conclusions and recommendations, provided that, upon completion of the executive session, the final action of the commission shall be announced in an open and public session.

(3) The commission is authorized to request the appropriate prosecuting authorities to seek to obtain immunity from criminal prosecution for a reluctant witness using the procedure outlined in § 16-43-601 et seq.

History. Acts 1989, No. 637, § 2; 1993, No. 1078, § 1.

Publisher's Notes. Acts 1993, No. 1078, § 2, provided: "It is hereby found that an Arkansas Supreme Court en banc decision, dated May 14, 1990 has left statutes in conflict with the Commission's Rules of Procedure. In addition, because the commission is an agency of limited jurisdiction, strict confidentiality require-

ments have prevented the Commission from cooperating with enforcement agencies like the Supreme Court Committee on Professional Conduct and prosecuting attorneys. This legislation is necessary to conform statutes to the commission's Rules of Procedure and to provide an avenue of cooperation between the above mentioned enforcement agencies."

CASE NOTES

Notice Requirements.

The commission was not required to comply retroactively with the amended notice requirements of Judicial Discipline and Disability Commission Rule 7. *Gannett River States Pub. Co. v. Arkansas Judicial Discipline & Disability Com.*, 304 Ark. 244, 801 S.W.2d 292 (1990).

Cited: *In re Badami*, 309 Ark. 511, 831 S.W.2d 905 (1992); *Daily World v. Phillips County Circuit Court*, 361 Ark. 146, 205 S.W.3d 134 (2005); *Helena Daily World v. Simes*, 365 Ark. 305, 229 S.W.3d 1 (2006).

16-10-405. Rules.

The Supreme Court shall adopt rules with regard to all matters of Judicial Discipline and Disability Commission operations and all disciplinary and disability proceedings and promulgate rules of procedure.

History. Acts 1989, No. 637, § 9.

CASE NOTES

Cited: Gannett River States Pub. Co. v. Com., 304 Ark. 244, 801 S.W.2d 292 Arkansas Judicial Discipline & Disability (1990).

16-10-406. Immunity from suit.

Members of the Judicial Discipline and Disability Commission, referees, commission counsel, and staff shall be absolutely immune from suit for all conduct in the course of their official duties.

History. Acts 1989, No. 637, § 8.

CASE NOTES

Cited: Judicial Discipline & Disability v. Digby, 303 Ark. 24, 792 S.W.2d 594 (1990).
Comm'n v. Digby, 302 Ark. 333, 789 S.W.2d 731 (1990); Commission on Judi-

16-10-407. Leave.

Grounds for leave consist of a temporary physical or mental incapacity which impairs the ability of the judge to substantially perform the duties of his or her judicial office and which exists or is likely to exist for a period of one (1) year or less. Leave cannot be granted to exceed one (1) year.

History. Acts 1989, No. 637, § 3.

16-10-408. Suspension with pay.

A judge may be suspended by the Supreme Court with pay:

(1) While an indictment or information charging him or her in any court in the United States with a crime punishable as a felony under the laws of Arkansas or the United States is pending;

(2) While a recommendation to the Supreme Court by the Judicial Discipline and Disability Commission for his or her removal or involuntary disability retirement is pending; or

(3) When articles of impeachment have been voted by the House of Representatives.

History. Acts 1989, No. 637, § 4.

CASE NOTES

Cited: In re Switzer, 303 Ark. 288, 796 S.W.2d 341 (1990).

16-10-409. Mandatory suspension.

A judge shall be suspended from office with pay by the Supreme Court when in any court in the United States he or she pleads guilty or no contest to, or is found guilty of an offense punishable as, a felony under

the laws of Arkansas or the United States, or of any other offense that involves moral turpitude. If his or her conviction becomes final, he or she may be removed from office pursuant to § 16-10-410. If his or her conviction is reversed and he or she is cleared of the charge, by order of the court, whether without further trial or after further trial and a finding of not guilty, his or her suspension terminates. Nothing in this section shall prevent the Judicial Discipline and Disability Commission from determining that a judge be disciplined or removed according to § 16-10-410.

History. Acts 1989, No. 637, § 5.

16-10-410. Removal from office.

(a) The grounds for removal conferred by this subchapter shall be both alternative and cumulative to the power of impeachment provided by the Arkansas Constitution and removal otherwise provided by law.

(b) A judge may be removed from office on any of the following grounds:

(1) Conviction of any offense punishable as a felony under the laws of Arkansas or the United States;

(2) Conviction of a criminal act that reflects adversely on the judge's honesty, trustworthiness, or fitness as a judge in other respects;

(3) The commission of conduct involving dishonesty, fraud, deceit, or misrepresentation;

(4) The commission of conduct that is prejudicial to the administration of justice;

(5) Willful violation of the Arkansas Code of Judicial Conduct or the Model Rules of Professional Conduct;

(6) Willful and persistent failure to perform the duties of office; or

(7) Habitual intemperance in the use of alcohol or other drugs.

(c) In considering recommending removal, the Judicial Discipline and Disability Commission may consider the frequency of the offense, the motivation of the conduct, the length of time since the conduct in question, and similar factors.

(d) Any judge removed from office pursuant to this subchapter cannot be appointed or elected thereafter to serve as a judge.

History. Acts 1989, No. 637, § 6; 1995, No. 1296, § 58; 2001, No. 5, § 1.

CASE NOTES

Removal Appropriate.

Removal of the judge from office was proper under subdivision (b)(5) of this section because he willfully violated the Arkansas Code of Judicial Conduct when he, in part, acted inappropriately with defendants under his jurisdiction and

when he enforced the payment of civil fees, knowing that the funds would go to a probation-type program that he started. *Ark. Judicial Discipline & Disability Comm'n v. Proctor*, — Ark. —, — S.W.3d —, 2010 Ark. LEXIS 82 (Jan. 25, 2010).

Cited: In re Switzer, 303 Ark. 288, 796 S.W.2d 341 (1990).

16-10-411. Vacancy.

The granting of leave, suspension, with or without pay, removal, or involuntary disability retirement pursuant to this subchapter shall create a vacancy in the judicial office.

History. Acts 1989, No. 637, § 7.

SUBCHAPTER 5 — CIRCUIT COURT JUDGESHIPS AND REDISTRICTING

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| SECTION. | new judgeships or redistricting. |
| 16-10-501. Development of criteria for | |

16-10-501. Development of criteria for new judgeships or redistricting.

(a) The Arkansas Judicial Council, hereinafter referred to as the “council”, is authorized and directed to develop criteria for new judgeships or redistricting of the circuit court districts of this state and to make recommendations to the regular session, fiscal session, or special session of the General Assembly regarding the number and boundaries of the circuit court districts in the state, the number of judges in each of such districts, and such other matters regarding circuit courts in the state as it determines to be appropriate.

(b) In establishing circuit court districts of this state, the council shall take into consideration caseload, geographic area to be served by the respective circuit courts, and such other matters as the council determines to be appropriate.

(c) The council shall meet on or before November 1 of each even-numbered year to finalize criteria for establishing additional judgeships or redistricting during the next regular session of the General Assembly.

History. Acts 1989, No. 864, §§ 1-3; inserted “session, fiscal session” preceding 2003, No. 1185, § 55; 2009, No. 962, § 34. “or special session” in (a).
Amendments. The 2009 amendment

SUBCHAPTER 6 — FUNDING

| | |
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| SECTION. | SECTION. |
| 16-10-601. Legislative intent. | tration of justice funds. |
| 16-10-602. Establishment of city and county shares. [Effective until January 1, 2012.] | [Effective until January 1, 2012.] |
| 16-10-602. Establishment of city and county shares. [Effective January 1, 2012.] | 16-10-603. Procedure — County administration of justice funds. [Effective January 1, 2012.] |
| 16-10-603. Procedure — County adminis- | 16-10-604. Procedure — City administra- |

SECTION.

tion of justice funds. [Effective until January 1, 2012.]

SECTION.

16-10-604. Procedure — City administration of justice funds. [Effective January 1, 2012.]

A.C.R.C. Notes. Section 19 of Amendment 80 to the Arkansas Constitution provided that all municipal courts were to become district courts on January 1, 2005, and that they should assume the jurisdiction previously vested in municipal courts, police courts, justice of the peace courts, and courts of common pleas. Those courts were abolished by the amendment. City courts were to continue, but if abolished by the governing body of the city or by the General Assembly, the jurisdiction of the city court would then vest in the nearest district court.

Effective Dates. Acts 1997, No. 788, § 36: became law without the Governor's signature. Noted Mar. 11, 1997. Effective July 1, 1997. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the effectiveness of this act on July 1, 1997 is essential to the operation of the state court system, and that in the event of an extension of the Regular Session, the delay in the effective date of this act beyond July 1, 1997 could work irreparable harm upon the proper administra-

tion and provision of essential governmental progress. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety, shall be in full force and effect from and after July 1, 1997."

Acts 1997, No. 1341, § 35: became law without the Governor's signature. Noted Apr. 11, 1997. Effective July 1, 1997. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the effectiveness of this act on July 1, 1997 is essential to the operation of the state court system, and that in the event of an extension of the Regular Session, the delay in the effective date of this act beyond July 1, 1997 could work irreparable harm upon the proper administration and provision of essential governmental progress. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety, shall be in full force and effect from and after July 1, 1997."

Acts 2007, No. 663, § 56: Jan. 1, 2012.

16-10-601. Legislative intent.

(a) It is hereby found by the General Assembly that the current system of funding the state judicial system has created inequity in the level of judicial services available to the citizens of the state. It is further determined that, with the passage and implementation of Acts 1995, No. 1256, a uniform structure for the accounting and distribution of court-generated funds has been established and reliable data on the cost of providing court services and the revenue produced by the court system now exists.

(b) It is, therefore, the intent of this act to begin to phase in the responsibility of the funding of a part of the state trial court system from county government to the state. It is, further, the intent of this act to continue and improve the reporting of information from cities and counties concerning the costs of providing the court system and the revenues produced from court costs, fees, and fines.

History. Acts 1997, No. 788, § 1; 1997, No. 1341, § 1.

Publisher's Notes. For the codification of Acts 1995, No. 1256, referred to in this section, please consult Tables Volume B.

Meaning of "this act". Acts 1997, No. 788, codified as §§ 5-76-103, 16-10-133, 16-10-209, 16-10-305, 16-10-307, 16-10-308, 16-10-310, 16-10-601 — 16-10-604, 16-10-701 [repealed], 16-13-512, 16-14-105(a), 16-87-203(a), 16-87-204(b), 16-87-

210, 16-87-212(a), 16-87-215, 16-87-301 — 16-87-307, 16-96-403, 19-5-1087, 21-6-403, 26-60-112; and Acts 1997, No. 1341, codified as §§ 5-76-103, 16-10-133, 16-10-209, 16-10-305, 16-10-307, 16-10-308, 16-10-310, 16-10-601 — 16-10-604, 16-10-701, 16-13-512, 16-14-105(a), 16-87-203(a), 16-87-204(b), 16-87-210, 16-87-212(a), 16-87-215, 16-87-301 — 16-87-307, 16-96-403, 21-6-403, 26-60-112.

16-10-602. Establishment of city and county shares. [Effective until January 1, 2012.]

(a) Pursuant to §§ 16-10-307(c) and 16-10-308(c), each city and county may retain a portion of the uniform court costs and filing fees collected and deposited into the city or county administration of justice fund.

(b) On or before the first day of October of each year, the Department of Finance and Administration shall certify in writing to each county and to each city which operates a district court or city court the amount of money which may be retained during each month of the following calendar year by the city or county.

History. Acts 1997, No. 788, § 5; 1997, No. 1341, § 5; 2001, No. 1809, § 11; 2003, No. 1185, §§ 56, 57.

Publisher's Notes. For text of section effective January 1, 2012, see the following version.

Cross References. District court gen-

erally, § 16-17-132.

Transition to state funding, § 16-87-301.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

Effective Dates. Acts 2003, No. 1185, § 57: Jan. 1, 2005, by its own terms.

16-10-602. Establishment of city and county shares. [Effective January 1, 2012.]

(a) Pursuant to §§ 16-10-307(c) and 16-10-308(c), each town, city, and county may retain a portion of the uniform court costs and filing fees collected and deposited into the city or county administration of justice fund.

(b) On or before the first day of October of each year, the Department of Finance and Administration shall certify in writing to each county and to each town or city which operates a district court the amount of money which may be retained during each month of the following calendar year by the town, city, or county.

History. Acts 1997, No. 788, § 5; 1997, No. 1341, § 5; 2001, No. 1809, § 11; 2003, No. 1185, §§ 56, 57; 2007, No. 663, § 28.

Publisher's Notes. For text of section effective until January 1, 2012, see the preceding version.

Amendments. The 2007 amendment

inserted "town" preceding "city" throughout the section; deleted "or city court" following "district court" in (b); and made related changes.

Cross References. District court generally, § 16-17-132.

Transition to state funding, § 16-87-

301.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

**16-10-603. Procedure — County administration of justice funds.
[Effective until January 1, 2012.]**

(a)(1) Pursuant to § 16-10-307, each county is to create a county administration of justice fund.

(2) Each county treasurer should deposit into the fund:

(A) All receipts from the collection of uniform filing fees established by § 21-6-403 which are collected by the circuit clerk, county clerk, or other official and remitted to the county treasurer;

(B) All receipts from the collection of uniform court costs established by § 16-10-305 which are collected by the circuit clerk, county clerk, county sheriff, or other official and remitted to the county treasurer;

(C) All receipts of the county's share of uniform filing fees established by §§ 16-17-705 and 16-10-303 which are collected by the district and city courts within the county and remitted to the county treasurer; and

(D) All receipts of the county's share of uniform court costs established by § 16-10-305 which are collected by the district and city courts within the county and remitted to the county treasurer.

(b) From the county administration of justice fund, the county treasurer is to make, on a monthly basis, the following fund transfers or disbursements:

(1)(A) Pursuant to §§ 16-10-307(c) and 21-6-403, the Department of Finance and Administration will certify for each county the county's monthly share of uniform court costs and filing fees to be retained by the county.

(B) Each year the quorum court shall establish the amount of uniform filing fees and court costs to be appropriated to each of the county programs or agencies enumerated in § 16-10-307(b) from the county's share of uniform court costs and filing fees; provided, that each program or agency shall receive, as a minimum, the amount established by § 16-10-307(b); and

(2) The excess of the monthly receipts into the fund from subdivisions (a)(2)(A) and (B) of this section, less the county's certified monthly share and the county treasurer's commission, if any, as authorized by § 21-6-302, shall be remitted to the department, pursuant to § 16-10-307(e).

History. Acts 1997, No. 788, § 7; 1997, No. 1341, § 7; 2003, No. 1185, §§ 58, 59.

Publisher's Notes. For text of section effective January 1, 2012, see the following version.

Effective Dates. Acts 2003, No. 1185, § 59; Jan. 1, 2005, by its own terms.

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

Transition to state funding, § 16-87-301.

16-10-603. Procedure — County administration of justice funds. [Effective January 1, 2012.]

(a)(1) Pursuant to § 16-10-307, each county is to create a county administration of justice fund.

(2) Each county treasurer should deposit into the fund:

(A) All receipts from the collection of uniform filing fees established by § 21-6-403 which are collected by the circuit clerk, county clerk, or other official and remitted to the county treasurer;

(B) All receipts from the collection of uniform court costs established by § 16-10-305 which are collected by the county official, agency, or department designated pursuant to § 16-13-709 as primarily responsible for the collection of fines assessed in circuit court and remitted to the county treasurer;

(C) All receipts of the county's share of uniform filing fees established by § 16-17-705 which are collected by the district courts within the county and remitted to the county treasurer; and

(D) All receipts of the county's share of uniform court costs established by § 16-10-305 which are collected by the official, agency, or department of the county, town, or city designated pursuant to § 16-13-709 as primarily responsible for the collection of fines assessed in district courts within the county and remitted to the county treasurer.

(b) From the county administration of justice fund, the county treasurer is to make, on a monthly basis, the following fund transfers or disbursements:

(1)(A) Pursuant to § 16-10-307(c), the Department of Finance and Administration will certify for each county the county's monthly share of uniform court costs and filing fees to be retained by the county.

(B)(i) Each year the quorum court shall establish the amount of uniform filing fees and court costs to be appropriated to each of the county programs or agencies enumerated in § 16-10-307(b) from the county's share of uniform court costs and filing fees.

(ii) Each program or agency shall receive, as a minimum, the amount established by § 16-10-307(b); and

(2) The excess of the monthly receipts into the fund from subdivisions (a)(2)(A) and (B) of this section, less the county's certified monthly share and the county treasurer's commission, if any, as authorized by § 21-6-302, shall be remitted to the Department of Finance and Administration, pursuant to § 16-10-307(e).

History. Acts 1997, No. 788, § 7; 1997, No. 1341, § 7; 2003, No. 1185, §§ 58, 59; 2007, No. 663, § 29.

Publisher's Notes. For text of section effective until January 1, 2012, see the preceding version.

Amendments. The 2007 amendment, in (a), rewrote (2)(B), in (2)(C), substituted "§ 16-17-705" for "§§ 16-17-705 and 16-10-303" and deleted "and city" following "district", and rewrote (2)(D); in (b), substituted "§ 16-10-307(c)" for "§§ 16-10-307(c) and 21-6-403" in (1)(A), deleted "provided, that each program or agency shall receive, as a minimum, the amount established by § 16-10-307(b); and" from the end of (1)(B)(i), and added (1)(B)(ii); and made related changes.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

"(a) Sections 2 through 15 of this act are effective January 1, 2008.

"(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

"(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

"(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

"(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009."

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

Transition to state funding, § 16-87-301.

16-10-604. Procedure — City administration of justice funds. [Effective until January 1, 2012.]

(a)(1) Pursuant to § 16-10-308, each municipality which operates a city or district court is to create a city administration of justice fund.

(2) There shall be deposited into the fund:

(A) All receipts from the collection of uniform filing fees established by §§ 16-10-303 and 16-17-705 which are collected by the city or district court operated by the municipality; and

(B) All receipts from the collection of uniform court costs, established by § 16-10-305 which are collected by the city or district court operated by the municipality.

(b) From the city administration of justice fund, the following fund transfers or disbursements shall be made on a monthly basis:

(1)(A) Pursuant to §§ 16-10-308(c) and 21-6-403, the Department of Finance and Administration will certify for each city the city's monthly share of uniform court costs and filing fees to be retained by the city.

(B) Each year the city council shall establish the amount of uniform filing fees and court costs to be appropriated to each of the city programs or agencies enumerated in § 16-10-308(b) from the city's share of uniform court costs and filing fees, provided that each program or agency shall receive, as a minimum, the amount established by § 16-10-308(b).

(C) Each program or agency shall be paid, by warrant or fund transfer, a monthly installment of at least one-twelfth (1/12) of the annual appropriation provided for each by the city council;

(2)(A) Pursuant to § 16-10-308(b)(5), the city shall remit to the county treasurer for deposit into the county administration of justice fund a portion of the city's share of uniform court costs and filing fees.

(B) The amount of the remittance shall be based upon the amount, if any, of uniform court costs and filing fees which had been remitted by the city to the county to fund county-level programs and agencies during the base year defined in § 16-10-308(b).

(C) By common agreement, cities and counties may establish a different fixed dollar amount or percentage of the city's monthly share of filing fees and court costs which shall be remitted to the county treasurer;

(3) For the calendar year beginning January 1, 1998, the amount of the remittance shall be based upon the amount, if any, of uniform court costs and filing fees which had been remitted by the city to fund county-level programs and agencies during the base year defined in § 16-10-308(b), less eighty-five percent (85%) of the total dollar amount which was certified by the city as having been collected during calendar year 1994 for the purpose of funding the office and operation of the public defender and public defender investigator; and

(4) The excess of the monthly receipts into the fund, less the city's certified monthly share, shall be remitted to the department, pursuant to § 16-10-308(e).

(c) If a district court is operated solely by a county rather than a city and all of the uniform court costs and filing fees collected by the court are remitted to the county, the city shall not be required to create a city administration of justice fund; rather, the city's share of uniform court costs and filing fees shall be remitted directly to the county treasurer for deposit into the county administration of justice fund.

(d)(1)(A) For any municipal, city, or police court which was created after January 1, 1994, such that the base year used to calculate the city share pursuant to § 16-10-308 was not complete, the city share shall be deemed to be fifty percent (50%) of the uniform court costs and filing fees collected and remitted to the city administration of justice fund.

(B) From this fifty-percent share, the city shall disburse or transfer fifty percent (50%) of the funds to the local programs or agencies pursuant to subdivision (b)(1) of this section and fifty percent (50%) to the county treasurer pursuant to subdivision (b)(2) of this section.

(2) The remaining fifty percent (50%) shall be remitted to the Department of Finance and Administration, pursuant to § 16-10-308(e).

History. Acts 1997, No. 788, § 9; 1997, No. 1341, § 9; 2001, No. 1809, § 2; 2003, No. 1185, §§ 60, 61.

Publisher's Notes. For text of section effective January 1, 2012, see the following version.

Effective Dates. Acts 2003, No. 1185, § 61: Jan. 1, 2005, by its own terms.

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

Transition to state funding, § 16-87-301.

**16-10-604. Procedure — City administration of justice funds.
[Effective January 1, 2012.]**

(a)(1) Pursuant to § 16-10-308, each town or city which operates a district court is to create a city administration of justice fund.

(2)(A) Any town or city operating a city court that becomes a department of district court shall continue to maintain the city administration of justice fund as originally established pursuant to § 16-10-308.

(B) The city administration of justice fund of any town or city shall cease to exist on and after the effective date of an ordinance that abolishes the department of district court for the town or city pursuant to state law.

(3) There shall be deposited into the fund:

(A) All receipts from the collection of uniform filing fees established by § 16-17-705 which are collected by the district court operated by the town or city; and

(B) All receipts from the collection of uniform court costs, established by § 16-10-305 which are collected by the county, town, or city official, agency, or department designated pursuant to § 16-13-709 as primarily responsible for the collection of fines assessed in the district court operated by the town or city.

(b) From the city administration of justice fund, the following fund transfers or disbursements shall be made on a monthly basis:

(1)(A) Pursuant to § 16-10-308(c), the Department of Finance and Administration will certify for each town or city the town's or city's monthly share of uniform court costs and filing fees to be retained by the town or city.

(B)(i) Each year the town or city council shall establish the amount of uniform filing fees and court costs to be appropriated to each of the town or city programs or agencies enumerated in § 16-10-308(b) from the town's or city's share of uniform court costs and filing fees.

(ii) Each program or agency shall receive, as a minimum, the amount established by § 16-10-308(b).

(C) Each program or agency shall be paid, by warrant or fund transfer, a monthly installment of at least one-twelfth (1/12) of the annual appropriation provided for each by the town or city council;

(2)(A) Pursuant to § 16-10-308(b)(5), the town or city shall remit to the county treasurer for deposit into the county administration of justice fund a portion of the town's or city's share of uniform court costs and filing fees.

(B) The amount of the remittance shall be based upon the amount, if any, of uniform court costs and filing fees which had been remitted by the town or city to the county to fund county-level programs and agencies during the base year defined in § 16-10-308(b).

(C) By common agreement, towns, cities, and counties may establish a different fixed dollar amount or percentage of the town's or

city's monthly share of filing fees and court costs which shall be remitted to the county treasurer;

(3) For the calendar year beginning January 1, 1998, the amount of the remittance shall be based upon the amount, if any, of uniform court costs and filing fees which had been remitted by the town or city to fund county-level programs and agencies during the base year defined in § 16-10-308(b), less eighty-five percent (85%) of the total dollar amount which was certified by the town or city as having been collected during calendar year 1994 for the purpose of funding the office and operation of the public defender and public defender investigator; and

(4) The excess of the monthly receipts into the fund, less the town's or city's certified monthly share, shall be remitted to the department, pursuant to § 16-10-308(e).

(c)(1) If a district court is operated solely by a county rather than a town or city and all of the uniform court costs and filing fees collected by the court are remitted to the county, the town or city shall not be required to create a city administration of justice fund.

(2) The town's or city's share of uniform court costs and filing fees shall be remitted directly to the county treasurer for deposit into the county administration of justice fund.

(d)(1)(A) For any district court which was created after January 1, 1994, such that the base year used to calculate the town's or city's share pursuant to § 16-10-308 was not complete, the town or city share shall be deemed to be fifty percent (50%) of the uniform court costs and filing fees collected and remitted to the city administration of justice fund.

(B) District courts created pursuant to § 16-17-901 et seq. shall not be considered for purposes of this section to have been created after January 1, 1994, or to have a base year that is not complete if the district court is merely a continuation of a district or city court that was in existence on December 31, 2007, or December 31, 2011.

(C) From the fifty-percent share described in subdivision (d)(1)(A) of this section, the town or city shall disburse or transfer fifty percent (50%) of the funds to the local programs or agencies pursuant to subdivision (b)(1) of this section and fifty percent (50%) to the county treasurer pursuant to subdivision (b)(2) of this section.

(2) The remaining fifty percent (50%) shall be remitted to the Department of Finance and Administration, pursuant to § 16-10-308(e).

History. Acts 1997, No. 788, § 9; 1997, No. 1341, § 9; 2001, No. 1809, § 2; 2003, No. 1185, §§ 60, 61; 2007, No. 663, § 30.

Publisher's Notes. For text of section effective until January 1, 2012, see the preceding version.

Amendments. The 2007 amendment inserted "town or" preceding "city" or variant throughout the section; rewrote (a); substituted "§ 16-10-308(c)" for "§§ 16-

10-308(c) and 21-6-403" in (b)(1)(A); deleted "provided that each" following "fees" in (b)(1)(B)(i); subdivided (c) into (1) and (2); deleted "rather, the" following "fund" in present (c)(1) and added "The town's or" at the beginning of present (c)(2); substituted "district" for "municipal, city, or police" in (d)(1)(A); added present (d)(1)(B) and redesignated former (d)(1)(B) as present (C); inserted "described in subdi-

vision (d)(1)(A) of this section”; and made related changes.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the

Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

Transition to state funding, § 16-87-301.

SUBCHAPTER 7 — ADDITIONAL FILING FEES AND COURT COSTS

SECTION.

16-10-701. [Repealed.]

Effective Dates. Acts 1997, No. 788, § 36: became law without the Governor's signature. Noted Mar. 11, 1997. Effective July 1, 1997. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the effectiveness of this act on July 1, 1997 is essential to the operation of the state court system, and that in the event of an extension of the Regular Session, the delay in the effective date of this act beyond July 1, 1997 could work irreparable harm upon the proper administration and provision of essential governmental progress. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety, shall be in full force and effect from and after July 1, 1997.”

Acts 1997, No. 1341, § 35: became law without the Governor's signature. Noted Apr. 11, 1997. Effective July 1, 1997. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the effectiveness of this act on July 1, 1997 is essential to the operation of the state court system, and that in the event of an extension of the Regular Session, the delay in the effective date of this act beyond July 1, 1997 could work irreparable harm upon the proper administration and provision of essential governmental progress. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety, shall be in full force and effect from and after July 1, 1997.”

16-10-701. [Repealed.]

A.C.R.C. Notes. Pursuant to § 1-2-207, the amendment to this section by Acts 2003, No. 1185, §§ 62 and 63, were superseded by the repeal of this section by Acts 2003, No. 1474, § 1.

Publisher's Notes. This section, con-

cerning adoption of additional court costs and filing fees, was repealed by Acts 2003, No. 1474, § 1. The section was derived from Acts 1997, No. 788, § 29; 1997, No. 1341, § 28.

SUBCHAPTER 8 — SUBSTITUTE TRIAL COURT STAFF PERSONS

SECTION.

16-10-801. Temporary employment authorized.

16-10-802. Information provided to Auditor of State.

SECTION.

16-10-803. Payment.

16-10-804. Extended employment periods.

16-10-805. Employment of county staff.

16-10-801. Temporary employment authorized.

In the absence or unavailability of the trial court staff person, as authorized by § 16-10-133, the circuit judge is authorized to temporarily employ the services of a substitute trial court staff person, if the temporary employment is necessary and essential to prevent a disruption of the business of the court.

History. Acts 1999, No. 393, § 1.

16-10-802. Information provided to Auditor of State.

(a) Whenever a circuit judge temporarily employs a substitute trial court staff person, the judge may certify to the Auditor of State upon forms prepared by the Auditor of State that he or she has temporarily employed the services of a substitute trial court staff person and that the temporary employment was necessary and essential to prevent a disruption of the business of his or her court.

(b) The judge shall further furnish to the Auditor of State the name, address, and social security number of the substitute trial court staff person and the number of days the substitute trial court staff person was or will be temporarily employed, plus any other information concerning the employment requested by the Auditor of State.

History. Acts 1999, No. 393, § 2.

16-10-803. Payment.

(a) The Auditor of State is authorized to pay from funds specifically appropriated for this purpose the substitute trial court staff person for the services furnished to the circuit judge.

(b) The substitute trial court staff person will be paid at the rate of one hundred twenty-five dollars (\$125) per day.

History. Acts 1999, No. 393, § 3; 2001, No. 509, § 1; 2005, No. 461, § 1.

Amendments. The 2005 amendment substituted “the rate of one hundred twenty-five dollars (\$125) per day” for “a daily rate, based upon the daily pay rate

of the trial court staff person for whom he or she is substituting” in (b).

Cross References. Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

16-10-804. Extended employment periods.

(a) In the event the substitute trial court staff person is employed for a period which extends beyond the normal payroll period for the position, the Auditor of State shall make an interim disbursement of the salary which has accrued during that period.

(b) In any one (1) fiscal year, however, the Auditor of State will not pay for the services of a substitute trial court staff person for any one (1) circuit judge in excess of eighty (80) working days unless approved and ordered by the Chief Justice of the Arkansas Supreme Court.

History. Acts 1999, No. 393, § 4.

16-10-805. Employment of county staff.

Nothing contained in this subchapter shall be construed to preclude or prohibit any circuit judge from obtaining payment for the services of a substitute trial court staff person from the county or counties comprising the judge's judicial district rather than from the Auditor of State.

History. Acts 1999, No. 393, § 5.

SUBCHAPTER 9 — COMPENSATION FOR RETIRED JUDGES APPOINTED TO TEMPORARY SERVICE**SECTION.**

- 16-10-901. "Retired judge" defined.
16-10-902. Amount of compensation.
16-10-903. Retirement benefits.

SECTION.

- 16-10-904. Mileage and expenses.
16-10-905. Amount of per diem compensation.

A.C.R.C. Notes. The references throughout this subchapter to Amendment 78 are to Ark. Const., Amend. 78, as proposed by 1999 Senate Joint Resolution 9. This subchapter became effective when

Ark. Const., Amend. 78 was adopted at the November 2000 general election and approved by a vote of 427,407 for and 355,943 against.

16-10-901. "Retired judge" defined.

For purposes of this subchapter, a retired judge is a former circuit judge, chancery judge, circuit-chancery judge, Court of Appeals judge, or Supreme Court justice receiving benefits under the Arkansas Judicial Retirement System.

History. Acts 1999, No. 390, § 1.

A.C.R.C. Notes. Section 19 of Amendment 80 to the Arkansas Constitution provided that all sitting circuit, chancery, and circuit chancery judges at the time

the amendment took effect were to continue in office as circuit judges and that circuit courts were to have jurisdiction of all matters previously dealt with by circuit, chancery, and probate courts, includ-

ing juvenile matters.

As to the effective date of this subchapter and Ark. Const., Amend. 78, see A.C.R.C. Notes at the beginning of this

subchapter.

“[Contingent Effective Date]” language was removed after passage of Arkansas Constitution, Amendment 78.

16-10-902. Amount of compensation.

Any retired judge appointed to temporary service under Arkansas Constitution, Amendment 80, shall receive compensation, in addition to his or her retirement benefits, at one-half (½) the rate as fixed by law for regularly elected circuit judges.

History. Acts 1999, No. 390, § 2; 2001, No. 1071, § 1; 2003, No. 1185, § 64.

A.C.R.C. Notes. As to the effective date of this subchapter and Ark. Const., Amend. 78, see A.C.R.C. Notes at the

beginning of this subchapter.

“[Contingent Effective Date]” language was removed after passage of Arkansas Constitution, Amendment 78.

16-10-903. Retirement benefits.

The judge or justice shall not be entitled to a change in membership status or to any increase, decrease, or other modification to his or her retirement benefits as a result of his or her service after retirement.

History. Acts 1999, No. 390, § 3.

A.C.R.C. Notes. As to the effective date of this subchapter and Ark. Const., Amend. 78, see A.C.R.C. Notes at the

beginning of this subchapter.

“[Contingent Effective Date]” language was removed after passage of Arkansas Constitution, Amendment 78.

16-10-904. Mileage and expenses.

In addition to the per diem compensation provided by this subchapter, a temporary judge serving pursuant to Arkansas Constitution, Amendment 78, shall receive expenses and mileage reimbursement at the rate as prescribed in § 16-10-119.

History. Acts 1999, No. 390, § 4; 2001, No. 1071, § 2.

A.C.R.C. Notes. As to the effective date of this subchapter and Ark. Const., Amend. 78, see A.C.R.C. Notes at the

beginning of this subchapter.

“[Contingent Effective Date]” language was removed after passage of Arkansas Constitution, Amendment 78.

16-10-905. Amount of per diem compensation.

Per diem compensation prescribed in § 16-10-902 shall be for each day or portion of a day the judge serves on the bench. For each day or portion of a day that a temporary judge appointed under Arkansas Constitution, Amendment 78, performs his or her judicial duties other than on the bench the judge shall receive compensation as prescribed by rules adopted by the Arkansas Supreme Court.

History. Acts 1999, No. 390, § 5.

A.C.R.C. Notes. As to the effective date

of this subchapter and Ark. Const., Amend. 78, see A.C.R.C. Notes at the

beginning of this subchapter.

“[Contingent Effective Date]” language

was removed after passage of Arkansas Constitution, Amendment 78.

SUBCHAPTER 10 — ARKANSAS COURT SECURITY ACT

SECTION.

16-10-1001. Title.

16-10-1002. Purpose and findings.

16-10-1003. Administrative Office of the Courts — Duties — Director of Security and Emergency Preparedness.

16-10-1004. Court security officers.

SECTION.

16-10-1005. Arkansas Commission on Law Enforcement Standards and Training — Duties.

16-10-1006. Court security grant program.

A.C.R.C. Notes. Acts 2007, No. 576, § 3, provided: “The General Assembly recommends:

“(1) That the Supreme Court develop a comprehensive policy on security and emergency preparedness for the judicial branch of the government;

“(2) That the Supreme Court establish standards for every county for the development of a local security and emergency preparedness plan for circuit courts in the county and establish standards for every city in which a district court is located for the development of a local security and emergency preparedness plan for district courts in the city; and

“(3)(A) That the Supreme Court create a Security and Emergency Preparedness Advisory Committee.

“(B) The committee should be inclusive of judges, law enforcement officers, sheriffs, city and county executive officers, emergency preparedness officials, legislators, and others involved in providing security to the courts.

“(C) Legislative representation on the committee should be appointed by the Speaker of the House of Representatives and the President Pro Tempore of the Senate.”

16-10-1001. Title.

This subchapter shall be known as the “Arkansas Court Security Act”.

History. Acts 2007, No. 576, § 1.

16-10-1002. Purpose and findings.

(a) Recent incidents involving serious court security failures resulting in death or injury to judges and others in court facilities across the United States indicate that court security is an issue requiring an immediate response from this state.

(b) It is a valid expectation that every person who attends or is present in a court proceeding in a district, circuit, or appellate court in this state is entitled to a reasonably safe and secure environment.

(c) It is a goal of this state to provide citizens, litigants, jurors, attorneys, court employees, and judges with a safe and secure venue in which to work and conduct business.

(d) It is the purpose of this subchapter to establish a general program for security and emergency preparedness for the judicial branch of government.

History. Acts 2007, No. 576, § 1.

16-10-1003. Administrative Office of the Courts — Duties — Director of Security and Emergency Preparedness.

(a) The Administrative Office of the Courts shall:

(1) Assist the Supreme Court with the creation and management of a state security and emergency preparedness plan for the judicial branch of government; and

(2) Provide assistance and support to city and county governments of this state for the adoption and implementation of local security and emergency preparedness plans for circuit and district courts.

(b)(1) There is created within the Administrative Office of the Courts a Director of Security and Emergency Preparedness for the judicial branch of government. The Administrative Office of the Courts shall provide space and administrative assistance to support the work of the Director of Security and Emergency Preparedness.

(2) The Director of Security and Emergency Preparedness shall report to the Chief Justice of the Supreme Court and the Director of the Administrative Office of the Courts.

(3) The Director of Security and Emergency Preparedness shall:

(A) Assist with the development and adoption of a state security and emergency preparedness plan for the judicial branch of government;

(B) Assist agencies of this state and local governments of this state with the development and adoption of local security and emergency preparedness plans for circuit and district courts;

(C) Assist in the development and provision of training and education on court security and emergency preparedness to judges, court employees, and court security officers;

(D) Conduct periodic assessments of state and local security and emergency preparedness plans for courts and note deficiencies and areas of improvement; and

(E) Serve as the point of contact on state court security and emergency preparedness issues for the judicial branch of government and act as the representative of the Chief Justice of the Supreme Court to executive and legislative branch officials involved with the issues of court security and emergency preparedness.

History. Acts 2007, No. 576, § 1.

16-10-1004. Court security officers.

(a)(1) There is established a training and certification program for court security officers.

(2) As used in this section, "court security officer" means an individual who is assigned the duty of providing security or security-related services at the request of an appellate court, circuit court, or district court in this state.

(3)(A) A court security officer may be employed directly by an appellate court, circuit court, district court, or a law enforcement agency of this state or a city or county in this state.

(B) A court security officer may provide services to a court on either a full-time or part-time basis.

(b) The duties of a court security officer may include:

(1) The attendance in court when court is in session;

(2) The supervision and maintenance of order in a courtroom or courthouse;

(3) Providing security for individuals involved in court proceedings; and

(4) Other incidental and related duties at the direction of a court.

(c) In order to be eligible to provide services in an appellate court, circuit court, or district court in this state, a court security officer shall:

(1)(A) Be certified as a law enforcement officer by the Arkansas Commission on Law Enforcement Standards and Training under the laws and regulations of this state.

(B) A court security officer shall complete the law enforcement certification requirement within one (1) year of beginning his or her term of service as a court security officer.

(C) A court security officer shall maintain the law enforcement certification during the term of his or her service as a court security officer; and

(2)(A) Complete an additional training program for court security officers recommended by the Supreme Court Security and Emergency Preparedness Advisory Committee and approved by the Arkansas Commission on Law Enforcement Standards and Training.

(B) A court security officer shall complete the additional training program for court security officers within one (1) year of beginning his or her term of service as a court security officer.

(d) A court or law enforcement agency employing a court security officer shall:

(1) Ensure that a court security officer meets or attains the certification required under subdivisions (c)(1)(B) and (c)(2)(B) of this section; and

(2) Require submission of and maintain records for the documentation of the court security officer's certification as a law enforcement officer and of the court security officer's completion of the additional training program for court security officers.

(e)(1) Subject to the certification requirements of the Arkansas Commission on Law Enforcement Standards and Training, the officers of the Supreme Court police may offer and provide training for court security officers as required by this section.

(2) In addition to the general powers of a specialized law enforcement officer, Supreme Court police officers may, in the course of their official

duties, provide security for members of the Supreme Court or the Court of Appeals when either court shall convene for the purpose of considering oral arguments or conferencing in any location within the State of Arkansas, including the authority to act as a peace officer to arrest, with or without warrant, any person within the boundaries of the State of Arkansas who is or is reasonably believed to be committing an offense against any laws of the State of Arkansas or against the ordinances of the city in which the Supreme Court or Court of Appeals is convened, and to deliver the person before any court of competent jurisdiction to be dealt with according to law.

History. Acts 2007, No. 576, § 1; 2009, No. 236, § 1.

A.C.R.C. Notes. The reference in subdivision (c)(2)(A) to the “Supreme Court Security and Emergency Preparedness Advisory Committee” refers to Acts 2007, No. 576, § 3, which provided: “The General Assembly recommends:

“(1) That the Supreme Court develop a comprehensive policy on security and emergency preparedness for the judicial branch of the government;

“(2) That the Supreme Court establish standards for every county for the development of a local security and emergency preparedness plan for circuit courts in the county and establish standards for every city in which a district court is located for the development of a local security and emergency preparedness plan for district courts in the city; and

“(3)(A) That the Supreme Court create a Security and Emergency Preparedness Advisory Committee.

“(B) The committee should be inclusive of judges, law enforcement officers, sheriffs, city and county executive officers, emergency preparedness officials, legislators, and others involved in providing security to the courts.

“(C) Legislative representation on the committee should be appointed by the Speaker of the House of Representatives and the President Pro Tempore of the Senate.”

Acts 2009, No. 236, § 2, provided: “A person who is a court security officer on the effective date of this act shall complete the additional training program for court security officers in Arkansas Code § 16-10-1004(c) by December 31, 2009, or within one (1) year of the beginning of his or her term of service as a court security officer, whichever is later.”

Amendments. The 2009 amendment rewrote (c)(2) and (d).

16-10-1005. Arkansas Commission on Law Enforcement Standards and Training — Duties.

The Arkansas Commission on Law Enforcement Standards and Training shall:

(1) Establish the standards and requirements for the training and certification program for court security officers;

(2) Work with the Administrative Office of the Courts to develop curriculum specific to the needs and requirements of a court security officer;

(3) Maintain an official roster of individuals who have successfully completed the training of a court security officer;

(4) Establish minimum curriculum requirements and approve courses and programs offered and operated by or for this state or its political subdivisions for the specific purpose of offering training to a court security officer; and

(5) Consult and cooperate with counties, municipalities, agencies of this state, other governmental agencies, universities, colleges, junior colleges, community colleges, and other institutions or organizations concerning the development of court security officer programs or courses of instruction.

History. Acts 2007, No. 576, § 1.

16-10-1006. Court security grant program.

(a) The Administrative Office of the Courts shall administer a court security grant program for the purpose of providing financial assistance from funds specifically appropriated for that purpose to city and county governments to assist in the implementation of local security and emergency preparedness plans for circuit courts and district courts.

(b)(1) Guidelines for the court security grant program shall be developed by the Administrative Office of the Courts by December 31, 2007, and shall be approved by the Legislative Council prior to the disbursement of any grant funds.

(2) Beginning July 31, 2008, and on July 31 of every year, the Administrative Office of the Courts shall provide an annual report to the Legislative Council that shall include the number of grant requests received from cities and counties and the number and amount of grants approved.

History. Acts 2007, No. 576, § 1.

CHAPTER 11 SUPREME COURT

SUBCHAPTER.

1. GENERAL PROVISIONS.
2. SUPREME COURT REPORTS.
3. PROCEDURAL RULES.

RESEARCH REFERENCES

Ark. L. Rev. Smith, The Influence of A Case Study, 18 U. Ark. Little Rock L.J. 441.
the Arkansas Supreme Court's Opinions
on Policy Made by the General Assembly:

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

- 16-11-101. Terms of court — Recess —
Adjournment.
- 16-11-102. Adjournment of court in ab-
sence of quorum.

SECTION.

- 16-11-103. Divisions of court.
- 16-11-104. Cases heard en banc.
- 16-11-105. Rules, regulations, and laws
applicable to court.

SECTION.

- 16-11-106. Issuance of writs and process.
- 16-11-107. [Repealed.]
- 16-11-108. Disqualification of justice.
- 16-11-109. Law clerks.
- 16-11-110. Library — Librarian.
- 16-11-111. [Repealed.]
- 16-11-112. Authorization to contract for publication of Arkansas Model Jury Instructions.

SECTION.

- 16-11-113. Expenses of Supreme Court.
- 16-11-114. Salaries of Chief Justice and associate justices.
- 16-11-115. Compensation of special justice.

A.C.R.C. Notes. Acts 1991, No. 7, § 6, provided: "The General Assembly recognizes that each judge of the Arkansas Supreme Court incurs considerable expense in carrying out his or her responsibilities to the people of the State of Arkansas, including expenses for housing; the purchase and maintenance of an automobile; the acquisition, maintenance and equipping of a home-office where the judge can work nights, weekends and other times when it is inappropriate or impractical to work in his or her regular office; for attending bar, civic and social meetings and in otherwise carrying out their responsibilities as judges of the Arkansas Supreme Court; and that said judges should be entitled to a monthly expense allowance to cover such expenses.

"The funds appropriated by Item (10) of Section 1 herein may be used by each judge of the Arkansas Supreme Court to cover his expenses. The monthly allowance for fiscal year 1991-92 shall not exceed \$550 per month and for fiscal year 1992-93 shall not exceed \$550 per month.

"The amount prescribed herein shall be paid monthly upon vouchers submitted by such judges, with each such voucher to state only that it is for expenses incurred by such judge in carrying out his or her responsibilities to the people of the state as described herein.

"Upon receipt of each such voucher, the Auditor of State shall issue a warrant payable to the judge claiming such expense allowance and the State Treasurer is hereby authorized to pay the same from the funds appropriated for such purpose. The balance of the appropriation for housing and transportation which remains at the close of business of the fiscal year ending June 30, 1992, shall be carried forward into the fiscal year ending June

30, 1993, there to be used for the same purpose."

Preambles. Acts 1977, No. 545 contained a preamble which read: "Whereas, the Model Criminal Jury Instructions Committee has devoted considerable time and energy to the development of proposed Model Criminal Jury Instructions, to be followed in the several circuit courts of this State in criminal cases; and

"Whereas, upon completion of the Committee's work, such Model Criminal Jury Instructions will be submitted to the Arkansas Supreme Court for its consideration; and

"Whereas, it is essential that the Model Criminal Jury Instructions as considered and approved by the Arkansas Supreme Court be published in an appropriate manner, to be made available to the trial courts, prosecuting attorneys, members of the Bar, and to the public, and that provision also be made for the publication of supplements to said publication that may be developed and approved by order of the Supreme Court from time to time;

"Now, therefore...."

Effective Dates. Acts 1868 (Adj. Sess.), No. 1, § 5: effective on passage.

Acts 1871, No. 48, § 1 [890]: effective 90 days after passage.

Acts 1874 (Spec. Sess.), No. 9, § 2: effective on passage.

Acts 1895, No. 145, § 9: effective on passage.

Acts 1925, No. 205, § 5: approved Mar. 21, 1925. Emergency clause provided: "That the Supreme Court of this state being more than a year behind with its docket hereby causing unreasonable delay in the dispensation of justice, constitutes an emergency making it necessary for the immediate preservation of the public peace, health and safety, that this act take

effect and be in force from and after its passage.”

Acts 1961, No. 132, § 3: Feb. 22, 1961. Emergency clause provided: “It has been found and is declared by the General Assembly of Arkansas that the funds available to the Supreme Court for the maintenance and improvement of the Supreme Court Library are grossly inadequate, that there is urgent need for additional funds, and that enactment of this bill will provide the additional necessary funds. Therefore, an emergency is declared to exist, and this act, being necessary for the preservation of the public peace, health, and safety, shall take effect and be in force from the date of its approval.”

Acts 1963, No. 6, § 3: approved Feb. 1, 1963. Emergency clause provided: “It has been determined by the General Assembly of the State of Arkansas that the present restrictions in the law make it difficult to employ competent personnel and causes great hardships on the citizens of this state and only the provisions of this act will correct the situation. Therefore, an

emergency is hereby declared to exist and this act being necessary for the preservation of the public peace, health, and safety, the same shall take effect and be in full force from and after its passage.”

Acts 1985, No. 665, § 5: July 1, 1985. Emergency clause provided: “It is hereby found and determined by the Seventy-Fifth General Assembly that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1985, is essential to the operation of the agency for which the appropriations in the Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1985, could work irreparable harm upon the proper administration and providing of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1985.”

RESEARCH REFERENCES

Am. Jur. 20 Am. Jur. 2d, Courts, § 16 et seq.

C.J.S. 21 C.J.S., Courts, §§ 8, 319, 320.

Ark. L. Rev. A New Judicial System for Arkansas, 24 Ark. L. Rev. 221.

16-11-101. Terms of court — Recess — Adjournment.

The Supreme Court of Arkansas shall begin its annual term on the second Monday of September in each year and may recess and adjourn from time to time as the court orders.

History. Acts 1874 (Spec. Sess.), No. 9, § 1, p. 12; C. & M. Dig., § 2121; Pope’s Dig., § 2723; Acts 1961, No. 134, § 1; A.S.A. 1947, § 22-205; Acts 1995, No. 549, § 3.

16-11-102. Adjournment of court in absence of quorum.

If a quorum of the court is not present at the time and place fixed by law for holding court, the court shall stand adjourned until the first Monday next following. If a quorum is not present on that day, the court shall stand adjourned by operation of law, from day to day, until a quorum appears, and then proceed to business and continue in session until all business ready for trial is adjudicated.

History. Acts 1868 (Adj. Sess.), No. 1, § 3, p. 1; C. & M. Dig., § 2123; Pope's Dig., § 2729; A.S.A. 1947, § 22-209.

16-11-103. Divisions of court.

(a) The court may sit in two (2) divisions to be designated Division I and Division II.

(b) Each division shall be composed of three (3) justices.

(c)(1) The Chief Justice shall alternate in presiding over these divisions. In addition, he or she shall have a vote and the same power as an associate justice.

(2) At each sitting, the division not being presided over by the Chief Justice shall be presided over by the justice in that division having the highest seniority by reason of service as a justice.

(d) In case of a tie in either division, the cause shall be transferred to the court en banc for decision.

History. Acts 1925, No. 205, §§ 2, 3; Pope's Dig., §§ 2725, 2726; A.S.A. 1947, §§ 22-206, 22-207.

CASE NOTES

Remedies.

Where defendant sought to establish its right to receive water service from city unencumbered by the previous tenants' unpaid bill, writ of mandamus was not the proper remedy as mandamus may not be used to establish a legal right, and defen-

dant should have sought relief under this section by filing a petition for declaratory relief. *Buttolph Trust v. Jarnagan*, 302 Ark. 393, 789 S.W.2d 466 (1990).

Cited: *Citizens Bank v. Estate of Pettyjohn*, 282 Ark. 222, 667 S.W.2d 657 (1984).

16-11-104. Cases heard en banc.

(a) In all cases where the construction of the Arkansas Constitution is involved, or in a capital criminal case, the cause shall be heard by the court en banc.

(b) In each case heard by the court en banc, the concurrence of four (4) judges shall be necessary to a decision.

History. Acts 1925, No. 205, § 2; Pope's Dig., § 2725; A.S.A. 1947, § 22-206.

CASE NOTES

Affirmance.

Judgment of the lower court is affirmed where majority of judges agree to it though they differ as to reason therefor. *Pollock v. C. Hennie Co.*, 64 Ark. 180, 46 S.W. 185 (1897) (decision under prior law).

When the judges of the court are equally divided on a case, the judgment of the

lower court will not be disturbed. *Barnard & Leas Mfg. Co. v. Smith*, 77 Ark. 590, 92 S.W. 858 (1906) (decision under prior law).

Cited: *Citizens Bank v. Estate of Pettyjohn*, 282 Ark. 222, 667 S.W.2d 657 (1984); *Arkansas Intercollegiate Conference v. Parnham*, 309 Ark. 170, 828 S.W.2d 828 (1992).

16-11-105. Rules, regulations, and laws applicable to court.

(a) All rules of the Supreme Court and all laws respecting the Supreme Court shall apply to the court sitting in divisions and en banc.

(b) The court may make such further rules and regulations as may be necessary for the transaction and dispatch of business.

(c) The Supreme Court may, by general rules, provide what causes shall have a preference on the docket.

History. Civil Code, § 17; Acts 1871, §§ 2727, 2732; A.S.A. 1947, §§ 22-208, No. 48, § 1 [17], p. 219; 1925, No. 205, 22-213.
§ 4; C. & M. Dig., § 2126; Pope's Dig.,

CASE NOTES**Preference on Docket.**

A cause will not be advanced on the ground of public interest unless it appears that some department of the government

will be embarrassed by the delay. *Brodie v. Fitzgerald*, 55 Ark. 460, 18 S.W. 632 (1892).

16-11-106. Issuance of writs and process.

The Supreme Court shall have power to direct the forms of writs and process which are not contrary to or inconsistent with the Constitution and laws of this state.

History. Rev. Stat., ch. 43, § 2; C. & M. Dig., § 2126; Pope's Dig., § 2732; A.S.A. 1947, § 22-212.

CASE NOTES**Writs.**

A writ of prohibition is issued to prohibit a court from acting, while a writ of certiorari is issued to direct a judge to perform a duty. *Dougan v. Gray*, 318 Ark. 6, 884 S.W.2d 239 (1994).

A writ of certiorari lies where there is a lack of jurisdiction or there has been an act in excess of jurisdiction that is apparent on the face of the record; it is not to be used to look beyond the face of the record to ascertain the actual merits of a controversy, or to control discretion, or to review a finding of facts, or to reverse a trial court's discretionary authority. *Dougan v. Gray*, 318 Ark. 6, 884 S.W.2d 239 (1994).

A writ of prohibition is never issued to prevent a trial court from erroneously exercising jurisdiction; it is issued only where the trial court is wholly without jurisdiction. *Dougan v. Gray*, 318 Ark. 6, 884 S.W.2d 239 (1994).

A writ of prohibition is an extraordinary writ and is granted only when the lower court is wholly without jurisdiction, when there are no disputed facts, when there is no adequate remedy otherwise, and when the writ is clearly warranted. *Dougan v. Gray*, 318 Ark. 6, 884 S.W.2d 239 (1994).

16-11-107. [Repealed.]

Publisher's Notes. This section, concerning the senior justice presiding in absence of Chief Justice, was repealed by Acts 2003, No. 1185, § 65. The section

was derived from Acts 1868 (Adj. Sess.), No. 1, § 4, p. 1; C. & M. Dig., § 2124; Pope's Dig., § 2730; A.S.A. 1947, § 22-210.

16-11-108. Disqualification of justice.

No justice of the Supreme Court shall sit on the determination of any case in which he or she is interested in the outcome, is related to any party within the third degree of consanguinity or affinity, has been counsel in the case or presided over it in any inferior court, or is otherwise disqualified under the Arkansas Code of Judicial Conduct, unless the parties waive the disqualification, as provided in the code.

History. Rev. Stat., ch. 43, § 23; C. & M. Dig., § 2125; Pope's Dig., § 2731; A.S.A. 1947, § 22-211; Acts 2003, No. 1185, § 66.

Cross References. Motions requesting disqualification, S. Ct. & Ct. App. Rule 6-4.

CASE NOTES

ANALYSIS

Interest in Suit.
Recusal.

Interest in Suit.

Justice of Supreme Court is disqualified when his salary is involved. *Ferrell v. Keel*, 103 Ark. 96, 146 S.W. 494 (1912).

Recusal.

Appellee's motion for vacatur, treated as a Letter of Suggestion of Disqualifica-

tion under former S. Ct. Rule 27 (now S. Ct. and Ct. App. Rule 6-4), alleging that the Chief Justice had a social relationship with an attorney involved in this case and that because of this relationship, all members of the Arkansas Supreme Court should be disqualified, was denied. *First Pyramid Life Ins. Co. of Am. v. Stoltz*, 312 Ark. 516, 849 S.W.2d 525 (1993).

16-11-109. Law clerks.

No person shall be employed as a law clerk by the Arkansas Supreme Court unless that person is a licensed attorney or a graduate of a law school approved by the State Board of Law Examiners.

History. Acts 1961, No. 244, § 1; 1963, No. 6, § 1; A.S.A. 1947, § 22-241.

16-11-110. Library — Librarian.

(a)(1) Except as provided in this section, the Supreme Court Library shall be under the exclusive control and supervision of the Justices of the Arkansas Supreme Court, who are hereby authorized to make such rules and regulations regarding its use and operation as they may deem proper.

(2)(A) There shall be a Director of the Supreme Court Library who shall be nominated by the Director of the Administrative Office of the Courts, subject to the approval of the Arkansas Supreme Court.

(B) Subsequent to the appointment, the Director of the Supreme Court Library shall hold office at the pleasure of the Arkansas Supreme Court.

(b) All books obtained and placed in the library shall be the absolute property of the state, subject to the control and management of the Supreme Court, except:

(1) Items deposited in the library by the United States Superintendent of Documents under the Federal Depository Library Program; and

(2) The reports of the Arkansas Supreme Court directed to be placed in the library, which may be exchanged by the director for the reports of the other states or of the United States courts or for other law books, under the direction of the Arkansas Supreme Court.

(c)(1) The director shall have the authority to accept any donation of books, money, or property to increase the library.

(2) Any donation of money shall be deposited in the Supreme Court Library Fund.

(d) The Secretary of State is directed, upon demand, to deliver to the director, whenever there are two (2) or more copies of any statute book, book of reports of any court of the United States, or any other law book in his or her office, one (1) copy of every such statute book or book of reports or law book.

(e)(1) Every person who is enrolled as an attorney in the Arkansas Supreme Court shall pay a fee determined by rule of the Arkansas Supreme Court for enrolling and recording the license and the certified transcript thereof furnished to the attorney.

(2) The clerk shall deposit this fee in the Supreme Court Library Fund to be used by the Arkansas Supreme Court for the maintenance and improvement of the Supreme Court Library.

(f)(1) The director is authorized and empowered at any time to dispose of any books, magazines, papers, or files which may be in the custody or care of the library and which may be found by the Arkansas Supreme Court to be no longer useful.

(2)(A) The disposition may be by any method permitted by law, as the director may determine.

(B) If the disposition is by sale, then the proceeds shall be placed in the Supreme Court Library Fund.

History. Acts 1851, §§ 3, 4, 6, 7, 9, 10, 13310, 13313-13315, 13317, 13318; Acts p. 89; 1895, No. 145, § 7, p. 213; C. & M. 1961, No. 132, § 1; 1961, No. 133, § 1; Dig., §§ 2141, 4572, 9776a, 9776d-9776f, A.S.A. 1947, §§ 12-1709, 22-232, 22-234 9776h, 9776i; Pope's Dig., §§ 2747, 5656, — 22-238; Acts 1999, No. 960, § 1.

16-11-111. [Repealed.]

Publisher's Notes. This section, concerning disposal of books, papers, magazines, and files, was repealed by Acts 1999, No. 960, § 2. The section was derived from Acts 1957, No. 67, §§ 1, 2; A.S.A. 1947, §§ 22-239, 22-240.

16-11-112. Authorization to contract for publication of Arkansas Model Jury Instructions.

(a) The Arkansas Supreme Court is authorized to provide for the publication by private publishing firms of the Arkansas Model Criminal

Jury Instructions and the Arkansas Model Civil Jury Instructions for use in the trial courts of this state.

(b) The Supreme Court shall solicit proposals from reputable publishing firms and may enter into contracts with the publishing firms which are deemed by the court to offer the best proposals for the separate publication of the Arkansas Model Criminal Jury Instructions and the Arkansas Model Civil Jury Instructions, with provision being made for the publication from time to time of pocket part supplements containing revisions or additions to the instructions if the prices at which the publishers propose to sell the Arkansas Model Criminal Jury Instructions and the Arkansas Model Civil Jury Instructions are deemed to be reasonable and adequate by the Supreme Court and upon the publisher's agreeing to pay to the Supreme Court a reasonable market-rate royalty for the use and benefit of the Supreme Court Library Fund.

(c) The Supreme Court may delegate to the Clerk of the Supreme Court, or to any other employee or official of the court as the court may designate, the responsibility for soliciting and tabulating bid proposals and performing other duties as may be directed by the Supreme Court.

(d) The awarding of contracts to private publishers for the publication of the Arkansas Model Criminal Jury Instructions and the Arkansas Model Civil Jury Instructions shall be by a majority vote of the justices of the Supreme Court sitting in session for that purpose.

History. Acts 1977, No. 545, §§ 1, 2; A.S.A. 1947, §§ 22-250, 22-251; Acts 2001, No. 625, § 1.

16-11-113. Expenses of Supreme Court.

(a) All expenditures for fuel, blank books, and stationery accruing in the Supreme Court shall be paid out of the State Treasury from any moneys appropriated for the contingent expenses of the Supreme Court.

(b) The Auditor of State shall draw his or her warrant for the amount of the expenditures. The certificate of the court shall be a sufficient voucher.

History. Rev. Stat., ch. 43, §§ 45, 46; C. §§ 2720, 2721; A.S.A. 1947, §§ 22-214, & M. Dig., §§ 2116, 2117; Pope's Dig., 22-215.

16-11-114. Salaries of Chief Justice and associate justices.

The salary of the Chief Justice of the Supreme Court shall be seventy-one thousand eight hundred seventy dollars (\$71,870) per annum, and the salary of each associate justice of the Supreme Court shall be sixty-six thousand ten dollars (\$66,010) per annum.

History. Acts 1985, No. 665, § 1; A.S.A. 1947, § 22-140.

16-11-115. Compensation of special justice.

Each special justice of the Supreme Court who is not a retired judge or justice or an active circuit or district judge, appointed under the provisions of the Arkansas Constitution, Amendment 80, § 13, shall receive, as full compensation for services rendered, the sum of one hundred dollars (\$100) for each case in the special justice's or special judge's commission. When the case or cases shall be decided, this amount shall be certified by the Clerk of the Supreme Court after having been approved by the Chief Justice of the Supreme Court.

History. Acts 1981, No. 607, § 1; A.S.A. 1947, § 22-130; Acts 2003, No. 1185, § 67.

Cross References. District court gen-

erally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

SUBCHAPTER 2 — SUPREME COURT REPORTS

SECTION.

16-11-201. Clerk to furnish Reporter with copy of decisions.

16-11-202. Preparation of syllabus, headnotes, corrections — Publication.

16-11-203. [Repealed.]

16-11-204. Assistant to Reporter of the Supreme Court.

SECTION.

16-11-205. Reporter to superintend distribution and publication of decisions of the Supreme Court and the Court of Appeals.

16-11-206 — 16-11-209. [Repealed.]

Effective Dates. Acts 1915, No. 326, § 15: approved Mar. 30, 1915. Emergency declared.

Acts 1981, No. 803, § 5: Mar. 28, 1981. Emergency clause provided: "It is hereby found and determined by the Seventy-Third General Assembly that courts in Arkansas are faced with a tremendous increase in their workload; that appeals from the trial courts will continue their upward trend in view of the continued record-shattering number of cases filed in these courts; that appeals from these courts which will increase in number will add to the workload of the Supreme Court; that the newly created Court of Appeals

was necessary to relieve some of the workload of the Supreme Court, but the Court of Appeals has, also, caused an increased burden on the Reporter of the Supreme Court who reports the decisions of both the Supreme Court and the Court of Appeals; and that it is this increase in workload that requires the Reporter of the Supreme Court to have assistance in reporting opinions of both these courts. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

RESEARCH REFERENCES

Am. Jur. 20 Am. Jur. 2d, Courts, §§ 76, 77.

C.J.S. 21 C.J.S., Courts, § 224.

16-11-201. Clerk to furnish Reporter with copy of decisions.

It shall be the duty of the Clerk of the Supreme Court to furnish the Reporter of the Supreme Court with a copy of all decisions of the court within thirty (30) days after the expiration of the time allowed for filing motions for reconsideration.

History. Acts 1915, No. 326, § 2; C. & M. Dig., § 9776k; Pope's Dig., § 13320; Acts 1971, No. 257, § 1; A.S.A. 1947, § 22-219.

Cross References. Copies of opinions to be furnished to Reporter, § 16-20-206.

16-11-202. Preparation of syllabus, headnotes, corrections — Publication.

It shall be the duty of the Reporter of the Supreme Court to:

- (1) Prepare the syllabus without delay after the Clerk of the Supreme Court furnishes him or her with a copy of the decisions of the court;
- (2) Prefix notes to each published decision containing the points decided therein;
- (3) Edit the decisions of the Supreme Court and the Court of Appeals and make technical corrections thereto;
- (4) Oversee publication and distribution of the decisions of the Supreme Court and the Court of Appeals in such format and medium as the Supreme Court may direct; and
- (5) Perform other duties as the Supreme Court assigns.

History. Acts 1915, No. 326, §§ 2, 11, 13; C. & M. Dig., §§ 9776k, 9776o, 9776q; Pope's Dig., §§ 13320, 13324, 13326; Acts 1971, No. 257, § 1; A.S.A. 1947, §§ 22-219, 22-221, 22-222; Acts 2009, No. 221, § 1.

Amendments. The 2009 amendment inserted gender-neutral language in (1); inserted "published" in (2); rewrote (3) and (4); and added (5).

16-11-203. [Repealed.]

Publisher's Notes. This section, concerning authority to omit opinions, was repealed by Acts 2009, No. 221, § 2. The

section was derived from Acts 1915, No. 326, § 10; C. & M. Dig., § 9776o; Pope's Dig., § 13324; A.S.A. 1947, § 22-220.

16-11-204. Assistant to Reporter of the Supreme Court.

(a) The Reporter of the Supreme Court is authorized to employ an assistant to aid the Reporter in the preparation of the headnotes for the published decisions of the Supreme Court and the Court of Appeals and in the supervision of the distribution and publication of the decisions of the Supreme Court and the Court of Appeals.

(b) No person shall be employed as an assistant by the Reporter in accordance with this section unless he or she is a licensed attorney.

(c) The position of assistant to the Reporter shall be state-funded at a salary to be set by the General Assembly.

History. Acts 1981, No. 803, §§ 1-3; A.S.A. 1947, §§ 22-219.1 — 22-219.3; Acts 2009, No. 221, § 3.

Amendments. The 2009 amendment rewrote (a); and inserted “in accordance with this section” and “or she” in (b).

16-11-205. Reporter to superintend distribution and publication of decisions of the Supreme Court and the Court of Appeals.

It shall be the duty of the Reporter of the Supreme Court to superintend the distribution and publication of the decisions of the Supreme Court and the Court of Appeals in such format and medium as the Supreme Court may direct.

History. Acts 1915, No. 326, § 3; C. & M. Dig., § 9776l; Pope’s Dig., § 13321; A.S.A. 1947, § 22-225; Acts 2009, No. 221, § 4.

Amendments. The 2009 amendment rewrote the section.

16-11-206 — 16-11-209. [Repealed.]

Publisher’s Notes. These sections, concerning proofreader and proof sheets furnished by printer, delivery of printed volumes, payment of printing and binding bills, and contractor’s failure to perform, forfeiture, and letting new contracts, were repealed by Acts 2009, No. 221, §§ 5-8. The sections were derived from:

16-11-206. Acts 1915, No. 326, § 14; C. & M. Dig., § 9776r; Pope’s Dig., § 13327; A.S.A. 1947, § 22-226.

16-11-207. Acts 1915, No. 326, § 8; C. & M. Dig., § 9776n; Pope’s Dig., § 13323; A.S.A. 1947, § 22-229; Acts 1991, No. 549, § 9.

16-11-208. Acts 1915, No. 326, § 9; C. & M. Dig., § 9776n; Pope’s Dig., § 13323; A.S.A. 1947, § 22-230; Acts 1991, No. 549, § 10.

16-11-209. Acts 1915, No. 326, §§ 6, 7; C. & M. Dig., § 9776m; Pope’s Dig., § 13322; A.S.A. 1947, §§ 22-227, 22-228.

SUBCHAPTER 3 — PROCEDURAL RULES

SECTION.

16-11-301. Rules of pleading, practice, and procedure — Super-session.

SECTION.

16-11-302. [Repealed.]

Cross References. Rules for conduct of appeals, § 16-67-302.

Effective Dates. Acts 1971, No. 470, § 6: Mar. 1, 1971. Emergency clause provided: “The General Assembly finds that pleading, practice, and procedure in criminal cases and proceedings in the inferior courts of law of this state is not efficient, certain, or responsive to the reasonable expectations and legitimate needs of the people of this state; that the system of administering criminal justice in the state of Arkansas is in need of immediate reform; and, that the immediate passage of

this act is necessary to empower the Supreme Court of the State of Arkansas, which the General Assembly finds to be the proper authority for prescribing rules of pleading, practice, and procedure in criminal cases and proceedings in the courts of this state to effectuate such needed reforms. Therefore, an emergency is hereby declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall be in full force and effect from and after March 1, 1971.”

Acts 1979, No. 333, § 5: Mar. 9, 1979.

Acts 1981, No. 312, § 5: became law without Governor's signature, Mar. 5, 1981. Emergency clauses provided: "It is hereby found and determined by the General Assembly that this Act is necessary to clarify the authority granted by the legislative branch of government to the judicial branch of government, and that this Act is in keeping with the separation of powers

provision of Section 2 of Article 4 of the Arkansas Constitution, and should be given effect immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

RESEARCH REFERENCES

Am. Jur. 20 Am. Jur. 2d, Courts, § 82 et seq.

Ark. L. Rev. Cox and Newbern, New Civil Procedure: The Court That Came in From the Code, 33 Ark. L. Rev. 1.

C.J.S. 21 C.J.S., Courts, § 124 et seq.

U. Ark. Little Rock L.J. Spears, Comment: The 1979 Civil Procedure Rules, 2 U. Ark. Little Rock L.J. 89.

Heller, Survey of Civil Procedure, 3 U. Ark. Little Rock L.J. 172.

CASE NOTES

Uniform Rules of Evidence.

Under its own rule-making power and under existing statutory authority, the Supreme Court adopted the Uniform

Rules of Evidence as the law in this state. Ricarte v. State, 290 Ark. 100, 717 S.W.2d 488 (1986).

16-11-301. Rules of pleading, practice, and procedure — Supersession.

All statutes concerning pleading, practice, and procedure in all courts shall be deemed superseded by rules adopted by the Supreme Court pursuant to Arkansas Constitution, Amendment 80, § 3, or pursuant to the Supreme Court's constitutional, inherent, or statutory authority prior to the effective date of Arkansas Constitution, Amendment 80.

History. Acts 1971, No. 470, §§ 1-3; 1979, No. 333, § 1; 1981, No. 312, § 2;

A.S.A. 1947, §§ 22-242 — 22-244; Acts 2003, No. 1185, § 68.

RESEARCH REFERENCES

Ark. L. Rev. Note, To Truly Reform We Must Be Informed: Davis v. Parham, the Separation of Powers Doctrine, and the Constitutionality of Tort Reform in Arkansas, 59 Ark. L. Rev. 781.

U. Ark. Little Rock L.J. Constitu-

tional Law — Child Hearsay Exception in Sexual Abuse Cases — New Arkansas Supreme Court Rule Conflicts with New General Assembly Rule: Which Controls? Vann v. State, 309 Ark. 303, 831 S.W.2d 126 (1992), 15 U. Ark. Little Rock L.J. 143.

CASE NOTES

ANALYSIS

Constitutionality.
Amendment of Rules.

Constitutionality.

The legislature's delegation of power to prescribe rules of criminal procedure is not unconstitutional nor outside the enabling act, provided the rule in question is truly procedural. *Miller v. State*, 262 Ark. 223, 555 S.W.2d 563 (1977).

This section is not an unlawful delegation of legislative authority; it merely recognizes and is harmonious with the court's inherent powers rather than conferring an express power. *Jennings v. State*, 276 Ark. 217, 633 S.W.2d 373

(1982), cert. denied, *Jennings v. Arkansas*, 459 U.S. 862, 103 S. Ct. 137, 74 L. Ed. 2d 117 (1982).

Amendment of Rules.

Since the Supreme Court has the inherent power to make the Rules of Criminal Procedure, it follows that it has the inherent power to amend those rules. *Jennings v. State*, 276 Ark. 217, 633 S.W.2d 373 (1982), cert. denied, *Jennings v. Arkansas*, 459 U.S. 862, 103 S. Ct. 137, 74 L. Ed. 2d 117 (1982).

Cited: *Gardner v. State*, 252 Ark. 828, 481 S.W.2d 342 (1972); *Adams v. State*, 269 Ark. 548, 601 S.W.2d 881 (1980); *Clines v. State*, 282 Ark. 541, 669 S.W.2d 883 (1984).

16-11-302. [Repealed.]

Publisher's Notes. This section, concerning pleading, practice, and procedure in civil cases, was repealed by Acts 2003, No. 1185, § 69. The section was derived

from Acts 1973, No. 38, §§ 1-6; 1979, No. 333, § 2; 1981, No. 312, § 3; A.S.A. 1947, §§ 22-245 — 22-249, 22-249n.

CHAPTER 12

COURT OF APPEALS

SUBCHAPTER.

1. GENERAL PROVISIONS.
2. REAPPORTIONMENT OF THE COURT OF APPEALS DISTRICTS.

A.C.R.C. Notes. Acts 1991, No. 7, § 7, provided: "The General Assembly recognizes that each judge of the Arkansas Court of Appeals incurs considerable expense in carrying out his or her responsibilities to the people of the State of Arkansas, including expenses for housing; the purchase and maintenance of an automobile; the acquisition, maintenance and equipping of a home-office where the judge can work nights, and other times when it is inappropriate or impractical to work in his or her regular office; for attending bar, civic and social meetings and in otherwise carrying out their responsibilities as judges of the Arkansas Court of Appeals; and that said judges should be entitled to an expense allowance to cover such expenses.

"The funds appropriated by Item (13) of

Section 1 herein may be used by each judge of the Arkansas Court of Appeals to cover his expenses. The monthly allowance for fiscal year 1991-92 shall not exceed \$550 per month and for fiscal year 1992-93 shall not exceed \$550 per month.

"The amount prescribed herein shall be paid monthly upon vouchers submitted by such judges, with each such voucher to state only that it is for expenses incurred by such judge in carrying out his or her responsibilities to the people of the state as described herein.

"Upon receipt of each such voucher, the Auditor of State shall issue a warrant payable to the judge claiming such expense allowance and the State Treasurer is hereby authorized to pay the same from the funds appropriated for such purpose. The balance of the appropriation for hous-

ing and transportation which remains at the close of business of the fiscal year ending June 30, 1992, shall be carried forward into the fiscal year ending June 30, 1993, there to be used for the same purpose."

Acts 1999, No. 889, §§ 1-4, provided: "Section 1. At the November 2000 general election, the electors of each of the six (6) existing Court of Appeals districts created in accordance with Act 208 of 1979 shall elect an additional Court of Appeals judge from each district to begin office on January 1, 2001. The newly-elected judges shall each be elected to serve for four (4) years, or until such later date as the boundaries of the existing Court of Appeals districts are redefined and judges from those districts are elected.

"Section 2. The elected judges of the Court of Appeals now serving shall be designated as position 1 within their respective districts, and the new judges elected under this act shall be designated position 2 within their districts.

"Section 3. Those present judges of the court, who were appointed pursuant to Acts 11 and 15 of 1995 (First Extraordinary Session), shall be entitled to seek election at the November 2000 general election from the district in which they reside.

"Section 4. Except as provided in Section 1, members of the Court of Appeals shall serve eight (8) year terms."

Effective Dates. Acts 1973, No. 231, § 6: Mar. 7, 1973. Emergency clause provided: "It has been found and is declared by the General Assembly of Arkansas that doubt and confusion exists as to the proper construction of existing statutes pertaining to the effective date of orders of the Arkansas Public Service Commission and with respect to the proper procedures to follow to obtain judicial review of such orders; that such doubt and confusion could lead to a miscarriage of justice through a technical failure to comply with these statutes as ultimately construed by the courts; and that enactment of this bill will resolve said doubt and confusion. Therefore, an emergency is declared to exist, and this Act being necessary for the preservation of the public peace, health and safety, shall take effect and be in force from the date of its approval."

Acts 1979, No. 208, § 9: July 1, 1979. Emergency clause provided: "It is hereby

found and determined by the General Assembly that the caseload of the Supreme Court has constantly risen, that the case filings have reached the point that the Court cannot adequately dispose of the appeals, and that the people of this State, through the passage of Amendment 58 to the Constitution of Arkansas, recognized the necessity for a Court of Appeals. Therefore, an emergency is declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1979."

Acts 1983, No. 410, § 5: Aug. 1, 1983.

Acts 1985, No. 665, § 5: July 1, 1985. Emergency clause provided: "There is hereby found and determined by the Seventy-Fifth General Assembly that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1985 is essential to the operation of the agency for which the appropriations in the Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1985 could work irreparable harm upon the proper administration and providing of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1985."

Acts 1985, No. 770, § 4: Apr. 3, 1985. Emergency clause provided: "It is hereby found and determined by the General Assembly that the practice of requiring circuit court judicial review of Public Service Commission orders works an undue hardship on the people of this State by creating undue delay in the final implementation of just and reasonable rates, and immediate correction of this hardship is necessary in order to preserve the public safety, health, peace, and general welfare of the State. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1991, No. 959, § 6: Mar. 29, 1991. Emergency clause provided: "It is hereby

found and determined by the Seventy-Eighth General Assembly that the caseload of the Court of Appeals has risen so dramatically in recent years that it has created the potential for a severe backlog in the prompt decision of matters before the court. This act is necessary to alleviate this backlog particularly since the present normal term of the Court of Appeals would expire before this act would otherwise become effective. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval."

Acts 1993, No. 1085, § 12: §§ 6-11 effective July 1, 1995.

Acts 1995, No. 1323, § 13: became law without Governor's signature. Noted Apr. 19, 1995. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that this act amends Arkansas Code Annotated § 16-12-101 and uncodified sections of Acts 1993, No. 1085; the judicial positions created by § 16-12-101 are to become effective July 1, 1995 and this act would delay the effect of Act 1085 until January 1, 1996; and that in the event of the extension of the regular session the delay in the effective date of this act beyond July 1, 1995 would work irreparable harm on the proper administration of this act. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval."

Acts 1995 (1st Ex. Sess.), Nos. 11 and 15, § 7: Oct. 23, 1995, and Oct. 24, 1995, respectively. Emergency clause provided: "It is hereby found and determined by the

General Assembly of the State of Arkansas that this act amends Uncodified Act 1085 of 1993 and is needed to provide for the appointment of additional Court of Appeals judges from the state of Arkansas since the 80th General Assembly meeting in regular session failed to prescribe new districts and irreparable harm to the proper administration of justice would result if this act is not given immediate effect. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval."

Acts 1997, No. 113, § 6: Feb. 7, 1997. Emergency clause provided: "It is hereby found and determined by the General Assembly that Act 10 of the First Extraordinary Session of 1995 abolished the Joint Interim Committee on Judiciary and in its place established the House Interim Committee and Senate Interim Committee on Judiciary; that the Arkansas Code 21-9-203 refers to the Joint Interim Committee on Judiciary and should be corrected to refer to the House and Senate Interim Committees on Judiciary; that this act so provides; and that this act should go into effect immediately in order to make the laws compatible as soon as possible. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

RESEARCH REFERENCES

Am. Jur. 20 Am. Jur. 2d, Courts, § 16 et seq.

C.J.S. 21 C.J.S., Courts, § 319.

Ark. L. Notes. Laurence, Four Observations and an Inquiry About the Practice and Frequency of Dissenting Votes by the Judges of the Arkansas Court of Appeals, 1994 Ark. L. Notes 89.

U. Ark. Little Rock L.J. Heller, Survey of Civil Procedure, 3 U. Ark. Little Rock L.J. 172.

Heller and Sallings, Survey of Public Law, 3 U. Ark. Little Rock L.J. 296.

Stafford, Separation of Powers and Arkansas Administrative Agencies: Distin-

guishing Judicial Power and Legislative Power, 7 U. Ark. Little Rock L.J. 279.
Legislative Survey, Civil Procedure, 16 U. Ark. Little Rock L.J. 85.

Watkins, Division of Labor between Arkansas's Appellate Courts, 17 U. Ark. Little Rock L.J. 177.

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.
16-12-101. [Repealed.]
16-12-102. Election of judges.
16-12-103. Location of court.
16-12-104. Authority of court.
16-12-105. Chief Judge.

SECTION.
16-12-106. Special judges.
16-12-107. Salaries.
16-12-108. Staff.
16-12-109 — 16-12-114. [Repealed.]

Publisher's Notes. Because of the enactment of subchapter 2 of this chapter by Acts 2003, No. 1812, the existing provi-

sions of this chapter have been designated as subchapter 1.

16-12-101. [Repealed.]

A.C.R.C. Notes. This section was repealed by Acts 1999, No. 889, § 7. Section 5 of Acts 1999, No. 889, amended uncoded Section 1 of Acts 11 and 15 of 1995, First Extraordinary Session rather than the coded version.

Acts 1999, No. 889, § 5, provided:
“(a) There is created, pursuant to Arkansas Constitution, Amendment 58, the Arkansas Court of Appeals, to be composed of six (6) members until January 1, 1996.
“(b) On or after January 1, 1996, the Court of Appeals shall be composed of nine (9) judges. On or after January 1, 1997, the Court of Appeals shall be composed of twelve (12) judges. The terms of office of the six (6) Court of Appeals judges currently holding office shall not be affected by this act.
“(c) Three additional judgeships cre-

ated by subsection (b) of this section shall be effective on and after January 1, 1996 and three shall be effective on or after January 1, 1997. The Governor shall appoint three (3) persons from the state at large to serve from January 1, 1996 through December 31, 1998 and shall appoint three (3) persons from the state at large to serve from January 1, 1997 through December 31, 1998.”

Publisher's Notes. This section, concerning creation of court and apportionment board, composition, and establishment of districts, was repealed by Acts 1999, No. 889, § 7. The section was derived from Acts 1979, No. 208, § 1; A.S.A. 1947, § 22-1201; Acts 1993, No. 1085, §§ 1, 3; 1995, No. 1323, § 1; 1995 (1st Ex. Sess.), No. 11, § 1; 1995 (1st Ex. Sess.), No. 15, § 1; 1997, No. 113, § 1; 1999, No. 889, § 5.

16-12-102. Election of judges.

(a) Except as provided in § 16-12-106, all judges of the Court of Appeals shall be elected for full eight-year terms.
(b) Each elected judge shall be a resident of the district from which he or she is elected.

History. Acts 1979, No. 208, § 2; A.S.A. 1947, § 22-1202; Acts 1991, No. 959, § 1; 2005, No. 1448, § 1; 2007, No. 213, § 1.

Publisher's Notes. Acts 1979, No. 208, § 2, provided, in part, that at the 1980 general election, six persons should be elected to serve as judges of the Court of Appeals beginning January 1, 1981, that one judge should be elected from each of the six districts established by the board, and that the terms of office of the initial six judges should be determined by lot by

the board so that two judges should be elected to four-year terms, two judges should be elected to six-year terms, and two judges should be elected to eight-year terms.

Amendments. The 2005 amendment inserted the subsection (a) and (b) designations; and added (c).

The 2007 amendment deleted (c) relating to eligibility of appointed judges.

Cross References. Court of Appeals transition, § 16-12-202.

16-12-103. Location of court.

The Court of Appeals shall be located in Little Rock and shall have offices as convenient to the State Capitol and the law library in the Justice Building as can be arranged, but the court en banc, or any division thereof, may sit in any county seat for the purpose of hearing argument in cases before it.

History. Acts 1979, No. 208, § 3; A.S.A. 1947, § 22-1203; Acts 1993, No. 1085, § 6; 1995, No. 1323, § 2.

A.C.R.C. Notes. As amended by Acts 1995, No. 1323, this section began: "Effective January 1, 1996."

16-12-104. Authority of court.

The Court of Appeals shall have authority to issue any writs, directives, orders, and mandates that are appropriate, and only those that are appropriate, for the determination of cases within its jurisdiction.

History. Acts 1979, No. 208, § 4; A.S.A. 1947, § 22-1204.

16-12-105. Chief Judge.

The Chief Justice of the Supreme Court shall designate one (1) of the judges of the Court of Appeals as Chief Judge of the Court of Appeals. The appointment as Chief Judge shall be for a four-year term, and the person so named shall be eligible for reappointment, subject to the discretion of the Chief Justice.

History. Acts 1979, No. 208, § 5; A.S.A. 1947, § 22-1205.

16-12-106. Special judges.

(a) The Chief Justice of the Supreme Court may commission special judges pursuant to the Arkansas Constitution, Amendment 80, § 13.

(b) Each special judge of the Court of Appeals who is not a retired judge or justice or an active circuit or district judge, appointed under the provisions of subsection (a) of this section, shall receive as full compensation for services rendered the sum of one hundred dollars

(\$100) for each case in the special justice's or special judge's commission. When the cases are decided, this amount shall be certified by the Clerk of the Supreme Court, after having been approved by the Chief Justice.

History. Acts 1979, No. 208, § 6; 1981, No. 607, § 1; A.S.A. 1947, §§ 22-130, 22-1206; Acts 1991, No. 959, § 2; 2003, No. 1185, § 70.

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

16-12-107. Salaries.

(a) The judges of the Court of Appeals shall receive such compensation as provided by law.

(b) The salary of the Chief Judge of the Court of Appeals shall be sixty-four thousand eight hundred eighty-seven dollars (\$64,887) per annum, and the salary of each of the judges of the Court of Appeals shall be sixty-three thousand seven hundred sixty-three dollars (\$63,763) per annum.

History. Acts 1979, No. 208, § 7; 1985, No. 665, § 2; A.S.A. 1947, §§ 22-140.4, 22-1207.

16-12-108. Staff.

(a) The Clerk of the Supreme Court shall serve as Clerk of the Court of Appeals.

(b) The Reporter of the Supreme Court shall serve as Reporter of the Court of Appeals.

(c) The sheriff of the county wherein the Court of Appeals is sitting shall be the bailiff of that court.

(d) Each judge of the Court of Appeals shall have a secretary and a law clerk to be selected by the judge personally.

(e) The Clerk of the Supreme Court is authorized to select two (2) additional persons as deputies. He or she may assign deputies to primarily handle all matters relative to the Court of Appeals, including, but not limited to, filing cases which have been appealed to the Court of Appeals, assigning briefs and motions to the judges, submitting cases, keeping all court records, notifying counsel of oral argument, preparing the payroll, and any and all other duties connected with the Court of Appeals.

(f)(1) Law clerks for the Court of Appeals shall receive the same salaries as Supreme Court law clerks.

(2) All other employees of the Court of Appeals shall be of the same grade classification as Supreme Court employees performing the same duties, except that the original salaries may be in accordance with Step 2 of that grade as set out in § 21-5-209.

History. Acts 1979, No. 208, § 8; A.S.A. 1947, § 22-1208.

16-12-109 — 16-12-114. [Repealed.]

Publisher's Notes. These sections, concerning the Court of Appeals, divisions, decisions and rehearings, were repealed by Acts 2003, No. 1185, § 71. These sections were derived from the following sources:

16-12-109. Acts 1983, No. 410, §§ 1, 2; A.S.A. 1947, §§ 22-1209, 22-1210; Acts 1993, No. 1085, § 7; 1995, No. 1323, § 3; 1995 (1st Ex. Sess.), No. 11, § 2; 1995 (1st Ex. Sess.), No. 15, § 2.

16-12-110. Acts 1983, No. 410, § 4; A.S.A. 1947, § 22-1212; Acts 1993, No. 1085, § 8; 1995, No. 1323, § 4.

16-12-111. Acts 1983, No. 410, § 3; A.S.A. 1947, § 22-1211; Acts 1993, No. 1085, § 9; 1995, No. 1323, § 5.

16-12-112. Acts 1973, No. 231, § 3; 1985, No. 770, § 1; A.S.A. 1947, § 73-229.1.

16-12-113. Acts 1983, No. 410, § 3; A.S.A. 1947, § 22-1211; Acts 1993, No. 1085, § 10; 1995, No. 1323, § 6; 1999, No. 924, § 1.

16-12-114. Acts 1983, No. 410, § 3; A.S.A. 1947, § 22-1211; Acts 1993, No. 1085, § 11; 1995, No. 1323, § 7; 1999, No. 924, § 2.

SUBCHAPTER 2 — REAPPORTIONMENT OF THE COURT OF APPEALS DISTRICTS**SECTION.**

16-12-201. Court of Appeals — Districts.

16-12-202. Court of Appeals — Transition.

A.C.R.C. Notes. Acts 2003, No. 1812, § 1, provided: "(a) Under Act 889 of 1999, the Arkansas Court of Appeals Apportionment Commission was created to review the electoral districts for the Court of Appeals and make a recommendation on the changes to be made effective January 1, 2004. The commission has reviewed the current districts and the data from the 2000 census, received input from judges, lawyers, and the general public, and considered the requirements and restrictions of federal and state law. Because of major shifts in population which have occurred since the current districts were created utilizing the 1970 census, a realignment of these districts is necessary.

"(b) The Arkansas Court of Appeals consisted of six (6) judges when it was first created. The number of members grew to nine (9) judges in 1996, and to twelve (12) judges in 1997. However, when the new judgeships were created, no plan was made to stagger the dates of the end of the terms for each of the judges. As a result,

the terms of eight (8) of the twelve (12) judges end in 2004. In order to provide for an orderly transition of members and create a reasonable level of stability on the court, it is necessary to adjust the current terms of office.

"(c) It is the purpose of this act to create new electoral districts for the Arkansas Court of Appeals and to establish the dates for electing the judges within each of these districts."

Acts 2003, No. 1812, § 4, provided: "Each currently serving member of the Court of Appeals shall continue in office until his or her position shall be subject to election, as provided for under this act, regardless of the date otherwise set as the expiration of his or her term, and regardless of any changes in the geographical boundaries in the district from which he or she was elected."

Publisher's Notes. Because Acts 2003, No. 1812 enacted a subchapter 2, the existing provisions of this chapter have been designated as subchapter 1.

16-12-201. Court of Appeals — Districts.

The State of Arkansas is divided into the following seven (7) districts for the election of judges to the Court of Appeals:

(1) District 1 shall be composed of Clay, Craighead, Crittenden, Cross, Greene, Lonoke, Mississippi, Monroe, Poinsett, Prairie, White, and Woodruff counties;

(2) District 2 shall be composed of Baxter, Boone, Cleburne, Conway, Faulkner, Fulton, Independence, Izard, Jackson, Lawrence, Marion, Newton, Pope, Randolph, Searcy, Sharp, Stone, and Van Buren counties;

(3) District 3 shall be composed of Benton, Carroll, Crawford, Franklin, Johnson, Madison, and Washington counties;

(4) District 4 shall be composed of Clark, Garland, Hempstead, Hot Spring, Howard, Little River, Logan, Miller, Montgomery, Pike, Polk, Scott, Sebastian, Sevier, and Yell counties;

(5) District 5 shall be composed of Ashley, Bradley, Calhoun, Cleveland, Columbia, Dallas, Drew, Grant, Lafayette, Lincoln, Nevada, Ouachita, and Union counties;

(6) District 6 shall be composed of Pulaski, Perry, and Saline counties; and

(7) District 7 shall be composed of Arkansas, Chicot, Desha, Jefferson, Lee, Phillips, and St. Francis counties.

History. Acts 2003, No. 1812, § 2.

16-12-202. Court of Appeals — Transition.

The elections under this section shall be for an eight-year term as follows:

(1) The judgeship currently designated as District 2, Position 2, shall continue to be designated District 2, Position 2, and shall be subject to election in 2004 in District 2;

(2) The judgeship currently designated as District 4, Position 1, shall continue to be designated District 4, Position 1, and shall be subject to election in 2004 in District 4;

(3) The judgeship currently designated as District 4, Position 2, shall continue to be designated District 4, Position 2, and shall be subject to election in 2004 in District 4;

(4) The judgeship currently designated as District 5, Position 1, shall be designated District 5 judge and shall be subject to election in 2004 in District 5;

(5) The judgeship currently designated as District 3, Position 2, shall continue to be designated District 3, Position 2, and shall be subject to election in 2006 in District 3;

(6) The judgeship currently designated as District 1, Position 2, shall be designated District 1, Position 1, and shall be subject to election in 2006 in District 1;

(7) The judgeship currently designated District 5, Position 2, shall be designated District 1, Position 2, and shall be subject to election in 2006 in District 1;

(8) The judgeship currently designated District 6, Position 2, shall continue to be designated District 6, Position 2, and shall be subject to election in 2006 in District 6;

(9) The judgeship currently designated District 1, Position 1, shall be designated District 7 judge and shall be subject to election in 2008 in District 7;

(10) The judgeship currently designated District 6, Position 1, shall continue to be designated District 6, Position 1, and shall be subject to election in 2008 in District 6;

(11) The judgeship currently designated District 2, Position 1, shall continue to be designated District 2, Position 1, and shall be subject to election in 2010 in District 2; and

(12) The judgeship currently designated District 3, Position 1, shall continue to be designated District 3, Position 1, and shall be subject to election in 2010 in District 3.

History. Acts 2003, No. 1812, § 3.

CHAPTER 13

CIRCUIT COURTS

SUBCHAPTER.

1. GENERAL PROVISIONS.
2. CIRCUIT COURTS GENERALLY.
3. JUVENILE DIVISION OF CIRCUIT COURT GENERALLY.
4. EXCHANGE OF CASES.
5. COURT REPORTERS.
6. JUVENILE DIVISION OF CHANCERY COURT. [REPEALED.]
7. ENFORCEMENT OF FINES.
8. [RESERVED.]
9. FIRST JUDICIAL CIRCUIT.
10. SECOND JUDICIAL CIRCUIT.
11. THIRD JUDICIAL CIRCUIT.
12. FOURTH JUDICIAL CIRCUIT.
13. FIFTH JUDICIAL CIRCUIT.
14. SIXTH JUDICIAL CIRCUIT.
15. SEVENTH JUDICIAL DISTRICT. [REPEALED.]
16. EIGHTH JUDICIAL CIRCUIT.
17. NINTH JUDICIAL CIRCUIT.
18. TENTH JUDICIAL CIRCUIT.
19. ELEVENTH JUDICIAL CIRCUIT.
20. TWELFTH JUDICIAL CIRCUIT.
21. THIRTEENTH JUDICIAL CIRCUIT.
22. FOURTEENTH JUDICIAL CIRCUIT.
23. FIFTEENTH JUDICIAL CIRCUIT.
24. SIXTEENTH JUDICIAL CIRCUIT.
25. SEVENTEENTH AND TWENTY-THIRD JUDICIAL CIRCUITS.
26. EIGHTEENTH JUDICIAL CIRCUIT.
27. NINETEENTH JUDICIAL CIRCUIT.

SUBCHAPTER

28. TWENTIETH JUDICIAL CIRCUIT.
29. TWENTY-FIRST JUDICIAL CIRCUIT.
30. NINETEENTH JUDICIAL CIRCUIT.
31. SEVENTH AND TWENTY-SECOND JUDICIAL CIRCUITS.
32. EIGHTH JUDICIAL CIRCUIT.

A.C.R.C. Notes. Acts 1987, No. 846, § 5, provided: "The State Board of Judicial Reapportionment, created and established by Act 826 of 1985, will continue to exist until December 31, 1988, at which time such Board will cease to exist, and prior to December 31, 1988, such State Board of Judicial Reapportionment shall prepare a comprehensive plan reapportioning the existing judicial circuits of this State, and recommending the number and type of judges required under such reapportionment. The Board shall present such plans and recommendations to the Arkansas General Assembly for its consideration during its regular session in 1989."

The subchapter placement of certain judicial circuits had to be rearranged after publication of the 1999 Replacement Volume 14A.

Publisher's Notes. Acts 1993, No. 1224, § 4, provided: "It is the intent of the 79th General Assembly that the authorization of seven additional Circuit & Chancery Judge positions created in response to the United States District Court Order in the case of Eugene Hunt, et al v. State of Arkansas, et al be discontinued as the terms of the displaced incumbent judges expire pursuant to the court order."

Cross References. Uniform filing fees and court costs, § 16-10-105.

RESEARCH REFERENCES

Am. Jur. 20 Am. Jur. 2d, Courts, § 25 et seq.

C.J.S. 21 C.J.S., Courts, § 9 et seq., § 186 et seq.

U. Ark. Little Rock L.J. Gitelman, The Separation of Law and Equity and the Arkansas Chancery Courts: Historical

Anomalies and Political Realities, 17 U. Ark. Little Rock L.J. 215.

Averill, Observations on the Wyoming Experience with Merit Selection of Judges: A Model for Arkansas, 17 U. Ark. Little Rock L.J. 281.

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.

16-13-101. Reassignment of case upon disqualification of judge.

16-13-102. [Repealed.]

SECTION.

16-13-103. Special judges — Compensation — Expenses.

16-13-104. [Repealed.]

Effective Dates. Acts 1971, No. 649, § 3: Apr. 7, 1971. Emergency clause provided: "It is hereby found and determined by the General Assembly that the compensation presently provided for special circuit and chancery judges is not adequate to compensate said judges for their services and that the same will result in a delay in the administration of justice, this

act is immediately necessary to correct the situation. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in effect from and after its passage and approval."

Acts 1985, No. 665, § 5: July 1, 1985. Emergency clause provided: "There is

hereby found and determined by the Seventy-Fifth General Assembly that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1985 is essential to the operation of the agency for which the appropriations in the Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1985 could work irreparable harm upon the proper administration and providing of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in

full force and effect from and after July 1, 1985."

Acts 1989 (3rd Ex. Sess.), No. 28, § 7: Nov. 7, 1989. Emergency clause provided: "It is hereby found and determined by the General Assembly that the caseload of the Second and Sixth Judicial Districts necessitates the appointment of additional circuit-chancery judges immediately; and that this Act so provides and should therefore be given effect immediately. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

16-13-101. Reassignment of case upon disqualification of judge.

When it appears that the circuit judge before whom a case is pending is disqualified under § 16-13-214, the case shall be reassigned to another judge.

History. Acts 1925, No. 127, § 1; Pope's Dig., § 2712; A.S.A. 1947, § 22-114; Acts 2003, No. 1185, § 72.

CASE NOTES

ANALYSIS

Constitutionality.
Purpose.
Applicability.
Personal Interest.
Transfer Required.

Constitutionality.

Ark. Const., Art. 7, § 20 [repealed] did not operate to preclude enactment of this section. Thus, this section does not contravene Ark. Const., Art. 7, §§ 21 [repealed], 22 [repealed]. *Black v. Cockrill*, 239 Ark. 367, 389 S.W.2d 881 (1965).

Purpose.

This section tends to carry out the intention of Ark. Const., Art 7, § 20 [repealed]. *Mears v. Hall*, 263 Ark. 827, 569 S.W.2d 91 (1978).

Applicability.

This section applies whether or not the related presiding judge of the division is

actually presiding at the trial. *Black v. Cockrill*, 239 Ark. 367, 389 S.W.2d 881 (1965).

Personal Interest.

The "interest" which is disqualifying under this section is a personal proprietary or pecuniary interest or one affecting the individual rights of the judge, and the liability, gain, or relief to the judge must turn on the outcome of the suit. *Mears v. Hall*, 263 Ark. 827, 569 S.W.2d 91 (1978).

Transfer Required.

The terms of this section are mandatory and transfer is required on motion of any party. *Black v. Cockrill*, 239 Ark. 367, 389 S.W.2d 881 (1965); *Ennis v. Brainerd*, 240 Ark. 16, 397 S.W.2d 809 (1966).

16-13-102. [Repealed.]

Publisher's Notes. This section, concerning salaries of circuit and chancery judges, was repealed by Acts 2003, No.

1185, § 73. The section was derived from Acts 1985, No. 665, § 3; A.S.A. 1947, § 22-140.1.

16-13-103. Special judges — Compensation — Expenses.

(a)(1) A special judge of the circuit court shall receive compensation at the same rate as fixed by law for a regularly elected circuit judge. In addition, he or she shall be reimbursed for actual expenses incurred while performing the duties of a special circuit judge. However, a special judge shall receive expenses only for the days he or she actually serves.

(2) Nothing in this section is to be construed to allow a special judge to receive compensation for any days that he or she is not actually serving in his or her appointed capacity.

(b) The compensation provided for in this section shall be paid upon certification by the clerk of the court in which the special circuit judge was elected to the Auditor of State stating the number of days served, together with a verified statement of actual expenses incurred.

History. Acts 1971, No. 649, §§ 1, 2; A.S.A. 1947, §§ 22-131, 22-131.1.

CASE NOTES

Special Judge.

A special judge who granted extension of time for filing bill of exceptions for a period running beyond expiration of his term of court could approve the bill of

exceptions after lapse of his term but could not exercise a separate and new judicial act to grant a further extension of time. *Patterson v. Carpenter*, 207 Ark. 539, 181 S.W.2d 465 (1944).

16-13-104. [Repealed.]

Publisher's Notes. This section, concerning ineligibility for an appointed circuit judge as a candidate, was repealed by

Acts 2007, No. 213, § 2. The section was derived from Acts 2005, No. 1448, § 2.

SUBCHAPTER 2 — CIRCUIT COURTS GENERALLY

SECTION.

16-13-201. Jurisdiction.

16-13-202. Rules.

16-13-203. Supervision of county courts and county, local, and municipal boards or officers.

16-13-204. Issuance of writs, orders, or process.

16-13-205. Writs of certiorari — Temporary restraining orders — Enforcement.

16-13-206. Term of court — Court to remain open.

SECTION.

16-13-207. Sessions.

16-13-208. Adjournments — Recess.

16-13-209. Notice of proceedings.

16-13-210. Circuit judge may hear and adjudicate causes pending in the circuit.

16-13-211. Proceedings during vacation of court or in chambers.

16-13-212. [Repealed.]

16-13-213. [Repealed.]

16-13-214. Disqualification of judges.

SECTION.

- 16-13-215. Entry of judge into armed services — Discharge — Vacancy.
- 16-13-216. Clerk and court reporter — Assistants — Salaries.
- 16-13-217. Law clerks — Service as court reporters and masters.
- 16-13-218. [Repealed.]
- 16-13-219. Court expenses — Payment.
- 16-13-220. Counsel for incompetents.

SECTION.

- 16-13-221. Legal counsel to personnel.
- 16-13-222. Private hearings by circuit courts.
- 16-13-223. Sale and confirmation of property.
- 16-13-224. Temporary exchange of districts — Assignment.
- 16-13-225. Juvenile cases — Information system.

A.C.R.C. Notes. Acts 2001, No. 951, § 29, provided: "The word 'Division' as used in this act shall refer only to the designation of the judicial positions for election purposes and does not refer to 'subject matter divisions' pursuant to Amendment 80, Section 6 of the Arkansas Constitution."

Acts 2001, No. 951, § 30, provided: "Should any additional circuit judgeships be created in a judicial circuit, there shall be created within that judicial circuit, an additional Division which shall be numbered sequentially and the judge appointed or elected thereto shall serve as the judge of the additional Division."

Effective Dates. Acts 1871, No. 48, § 1 [890]: effective 90 days after passage.

Acts 1899, No. 62, § 2: effective on passage.

Acts 1943, No. 202, § 3: approved Mar. 15, 1943. Emergency clause provided: "Whereas Initiated Act Number 5 adopted by the People November 6, 1936, provided that Circuit Courts are open at all times for Criminal proceedings; and whereas considerable confusion exists in determining the powers of a circuit court in civil proceedings when convened in special or adjourned sessions, and whereas Pretrial procedure, rendition of consent judgments and other court actions between the terms fixed by law for holding the several courts in the judicial districts in this state will expedite litigation and reduce the expense of court sessions and this act being for the speedy administration of justice, an emergency is hereby declared, and this Act shall take effect and be in force from and after its passage."

Acts 1943, No. 290, § 4: approved Mar. 23, 1943. Emergency clause provided: "Whereas in the event a regular judge

shall enter the armed services of the United States, a special election of the members of the bar upon the second day of the term in each county in the district must be held to elect a special judge, and whereas, the special judge is allowed only ten dollars [\$10.00] per day for his services, and no expenses; and whereas, such procedure would result in great expense and delay to litigants difficulty in securing a competent and qualified attorney to fill such position, an emergency is declared to exist, and this act being necessary to promote the public peace, health and welfare, shall take effect and be in force from and after its passage."

Acts 1949, No. 257, § 6: Mar. 8, 1949. Emergency clause provided: "Because of the geographical extent and number of courts required to be held, and to expedite the disposition of court matters and actions, and to better facilitate the disposition of same by consent of parties and thereby avoid delays, and to save costs, and for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval by the governor."

Acts 1961, No. 14, § 2: approved Jan. 30, 1961. Emergency clause provided: "The legislature having determined that the appointment of a law clerk for counties with population of 240,000 or more would expedite the handling of litigation in the circuit courts of said counties, an emergency is hereby declared to exist and this Act shall be in full force and effect from and after its passage."

Acts 1968 (1st Ex. Sess.), No. 66, §§ 2, 4: retroactive to Jan. 1, 1968, and salaries payable from that date. Emergency clause provided: "It is hereby found and deter-

mined by the General Assembly that the present requirement that the law clerk of the circuit court be a licensed attorney renders it difficult if not almost impossible to employ a person to fill said position; that the present law prescribing qualifications for the law clerks of the Arkansas Supreme Court require only that the law clerks be licensed attorneys or graduates of approved law schools; that the qualifications of law clerks for circuit courts should be the same as but no greater than those for the Supreme Court Clerks; and, that this Act is immediately necessary to revise the qualifications of circuit court law clerks to conform to the qualifications of Supreme Court law clerks and to make it possible to employ persons to fill the position of circuit court law clerk and thereby to further the administration of justice. Therefore, an emergency is hereby declared to exist and this Act being necessary to the preservation of the public peace, health and safety, shall be in effect from the date of its passage and approval." Became law without Governor's signature, February 27, 1968.

Acts 1975, No. 68, § 3: approved Feb. 7, 1975. Emergency clause provided: "The

Legislature having determined that the appointment of a case coordinator for districts with populations of two hundred forty thousand (240,000) or more would expedite the handling of litigation in the circuit courts of said counties and because the number or cases being filed is increasing rapidly, an emergency is hereby declared to exist. This Act shall be in full force and effect from and after its passage."

Acts 1979, No. 580, § 4: Mar. 26, 1979. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that the volume of work required by the circuit courts which have judicial districts comprising 240,000 or more has greatly increased in recent years, and that it is immediately necessary to provide additional support for the circuit judges in order to assure the orderly disposition of cases in order to facilitate the prompt administration of justice. Therefore, an emergency is hereby declared to exist and this Act, being necessary for the immediate preservation of the public peace, health and safety shall be in full force from and after the date of its approval."

RESEARCH REFERENCES

Ark. L. Notes. Brill, Law and Equity in Arkansas: Will Liles v. Liles Lead Us Out of the Morass?, 1987 Ark. L. Notes 1.

Brill, The Maxims of Equity, 1993 Ark. L. Notes 29.

Ark. L. Rev. Minimum Standards of Judicial Administration — Arkansas, 5 Ark. L. Rev. 1, 5.

Arkansas' Judiciary: Its History and Structure, 18 Ark. L. Rev. 152.

Administration of the Courts in Arkansas: Challenge, Performance, and Prospects, 30 Ark. L. Rev. 235.

U. Ark. Little Rock L.J. Stafford, Separation of Powers and Arkansas Administrative Agencies: Distinguishing Judicial Power and Legislative Power, 7 U. Ark. Little Rock L.J. 279.

16-13-201. Jurisdiction.

(a) Circuit courts shall have original jurisdiction of all justiciable matters not otherwise assigned pursuant to the Arkansas Constitution.

(b)(1) Circuit courts shall have appellate jurisdiction of the judgments and final orders of county courts, district courts, city courts, and police courts in all civil actions.

(2) On appeal from such judgments and final orders, the case shall be tried de novo, and the appellate jurisdiction of the circuit court shall extend to errors of fact as well as errors of law.

(c) The circuit courts shall have appellate jurisdiction from the decision of any inferior board, council, or tribunal in the contest of any county, township, or municipal office, and on such appeals the case shall be tried de novo.

History. Civil Code, §§ 18-20; Acts 1871, No. 48, § 1 [19], p. 249; 1873, No. 88, § 1 [18, 19], p. 213; C. & M. Dig., §§ 2228, 2233, 2234; Pope's Dig., §§ 2856, 2861, 2862; A.S.A. 1947, §§ 22-301, 22-304, 22-308; Acts 2003, No. 1185, § 74.

A.C.R.C. Notes. Section 19 of Amendment 80 to the Arkansas Constitution provided that all municipal courts were to become district courts on January 1, 2005, and that they should assume the jurisdiction previously vested in municipal

courts, police courts, justice of the peace courts, and courts of common pleas. Those courts were abolished by the amendment. City courts were to continue, but if abolished by the governing body of the city or by the General Assembly, the jurisdiction of the city court would then vest in the nearest district court.

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

RESEARCH REFERENCES

ALR. Criminal jurisdiction of municipal or other local court. 102 A.L.R.5th 525.

CASE NOTES

ANALYSIS

Administrative Determinations.

Appellate Jurisdiction.

Exclusive Jurisdiction.

Original Jurisdiction.

—Jurisdictional Amount.

—Misdemeanors.

—Petitions.

Proceedings on Appeal.

—Petitioners for Drainage District.

—School Districts.

—Taxpayers.

Administrative Determinations.

The legislature has the right, in authorizing a civil service commission, to vest in the circuit court the power to review judicially, either by way of original proceeding or by way of appeal, the action of the commission. *Civil Serv. Comm'n v. Matlock*, 205 Ark. 286, 168 S.W.2d 424 (1943).

Appellate Jurisdiction.

The circuit court can acquire no jurisdiction by appeal from a court or justice of the peace that was without jurisdiction. *Little Rock, Miss. R. & Tex. R.R. v. Manees*, 44 Ark. 100 (1884); *Bynum v. Patty*, 207 Ark. 1084, 184 S.W.2d 254 (1944).

Where a cause is appealed to the circuit

court from the county court, the former court obtains jurisdiction to the same extent as if it had been originally brought in that court and should enter final judgment therein and remand the same to the county court with directions to enter that judgment. *Batesville v. Ball*, 100 Ark. 496, 140 S.W. 712 (1911).

The circuit court has jurisdiction to review on appeal the action of the county court relative to the organization of a road district. *Horn v. Baker*, 140 Ark. 168, 215 S.W. 600 (1919).

If the county court had jurisdiction to hear a contest over the result of a stock law election, which was not decided, a judgment of that court dismissing a petition attacking the legality of the election was not void on its face, however erroneous it may have been, and a review of it must be by appeal to the circuit court and not by certiorari. *Patterson v. Adcock*, 157 Ark. 186, 248 S.W. 904 (1923).

The circuit court had jurisdiction to try a case on appeal by a taxpayer from a judgment of the county court allowing a claim against the county and the fact that a warrant had been issued and paid before the case was tried in the circuit court was immaterial. *McLain v. Miller County*, 180 Ark. 828, 23 S.W.2d 264 (1930), super-

seded by statute as stated in, *Lott v. Circuit Court*, 328 Ark. 596, 945 S.W.2d 922 (1997).

Appeals from the county court to the circuit court shall be granted as a matter of right. *Watts & Sanders v. Myatt*, 216 Ark. 660, 226 S.W.2d 800 (1950).

The chancery court had no jurisdiction to order repayment of a claim allowed by the county judge in paying dues to the Arkansas Association of County Judges; in the absence of fraud, the remedy was by appeal to the circuit court. *Arkansas Ass'n of County Judges v. Green*, 232 Ark. 438, 338 S.W.2d 672 (1960).

Exclusive Jurisdiction.

The chancery court has exclusive jurisdiction of all cases involving matters of child support; neither the municipal nor circuit court has concurrent jurisdiction with chancery court to enforce an agreement for child support. *Boren v. Boren*, 318 Ark. 378, 885 S.W.2d 852 (1994).

Circuit court cannot decide a claim of breach of contract or otherwise enforce a child support agreement since under subsection (a) of this section it does not have concurrent jurisdiction. *Granquist v. Randolph*, 326 Ark. 809, 934 S.W.2d 224 (1996).

Regardless of the context in which a support order is entered, whether divorce, paternity, abandonment, or any other situation, a trial court has the power to enter a child-support order; thus, where a father was held in contempt for failure to pay support, and appealed, even though the trial court did not have jurisdiction to dissolve the marriage because there was no corroboration of residence, the trial court had jurisdiction to enter contempt orders for the father's failure to pay support. *Rogers v. Rogers*, 80 Ark. App. 430, 97 S.W.3d 429 (2003).

Original Jurisdiction.

The correct method of ascertaining the civil and criminal jurisdiction of the circuit courts is to see what cases or classes of cases are confided by the Constitution exclusively to the jurisdiction of other tribunals, and the great residuum belongs exclusively, or concurrently, to the circuit courts. *State v. Devers*, 34 Ark. 188 (1879).

Jurisdiction to hear and determine contests of elections for a city office, not being vested elsewhere, is in the circuit court.

Whittaker v. Watson, 68 Ark. 555, 60 S.W. 652 (1901); *Doherty v. Cripps*, 82 Ark. 529, 102 S.W. 394 (1907).

If the law does not expressly vest jurisdiction to hear an action, it falls within the general jurisdiction of the circuit courts. *State ex rel. Att'y Gen. v. Sams*, 81 Ark. 39, 98 S.W. 955 (1906); *Patterson v. Adcock*, 157 Ark. 186, 248 S.W. 904 (1923).

Circuit court has jurisdiction to determine liability of county depository for interest on county funds. *Price v. Madison County Bank*, 90 Ark. 195, 118 S.W. 706 (1909).

Where the trial court accepted appellant's plea for capital-felony murder on a Sunday in violation of § 16-10-114, the statutory violation did not affect the trial court's jurisdiction over the matter; further, a petition for writ of habeas corpus was not the proper method with which to claim a statutory violation. *Noble v. Norris*, 368 Ark. 69, 243 S.W.3d 260 (2006).

—Jurisdictional Amount.

The circuit court has jurisdiction of mechanics' liens enforceable against land regardless of the amount. *White v. Millbourne*, 31 Ark. 486 (1876).

Where no one of several debts sued on exceeds the sum of one hundred dollars, the plaintiff cannot combine them so as to give the circuit court jurisdiction. *Mannington v. Young*, 35 Ark. 287 (1880).

Circuit courts have jurisdiction in tort action in the nature of a fraud without regard to the amount. *Bagley v. Shoppach*, 43 Ark. 375 (1884).

In actions for damages to personal property, jurisdiction is determined by the damages asked. *Little Rock, Miss. R. & Tex. R.R. v. Manees*, 44 Ark. 100 (1884).

Since garnishment is only an attachment of the debt, the jurisdiction of the court over the funds in the hands of the garnishee is not dependent upon the amount of the indebtedness. *Moore v. Kelley*, 47 Ark. 219, 1 S.W. 97 (1886).

A complaint for breach of contract alleging damages sufficient to give the circuit court jurisdiction is a prima facie showing of jurisdiction, and in the absence of a special plea or charge that the allegation was illusive and fraudulent, the court could correctly assume jurisdiction. *Neale v. Smith*, 61 Ark. 564, 33 S.W. 1058 (1896).

If the question is raised whether or not the amount claimed was a lien on real

estate, the circuit court has jurisdiction without regard to the amount involved. *Sanders v. Brown*, 65 Ark. 498, 47 S.W. 461 (1898); *Naylor v. McNair*, 92 Ark. 345, 122 S.W. 662 (1909).

If a demurrer (now abolished) is sustained to one of two paragraphs of complaint and the remaining paragraph demands an amount less than the jurisdictional requirement, the circuit court is without jurisdiction to proceed. *Harris-Damon Lumber Co. v. Craddock*, 72 Ark. 334, 80 S.W. 228 (1904).

Complaint which alleged that party possessed title to a vehicle valued at \$3,900.00 which she obtained under divorce decree and which was being unlawfully detained was a replevin action properly within the jurisdiction of the county circuit court, and, as a consequence, a writ of prohibition did not lie. *Bonnell v. Smith*, 322 Ark. 141, 908 S.W.2d 74 (1995).

—Misdemeanors.

Circuit courts have concurrent jurisdiction with justices of the peace in misdemeanor cases. *Walker v. State*, 35 Ark. 386 (1880); *McClure v. State*, 37 Ark. 426 (1881).

It is not in the power of the legislature, under the provisions of the Constitution, to deprive the circuit courts of all original jurisdiction of misdemeanors. *Naylor v. McNair*, 92 Ark. 345, 122 S.W. 662 (1909).

—Petitions.

The issue of the sufficiency of a petition for a local option election is one over which chancery court has no jurisdiction. *Zaruba v. Phillips*, 320 Ark. 199, 895 S.W.2d 544 (1995).

Proceedings on Appeal.

Appeals from final orders and judgments of the county courts are tried de novo. *Marion County v. Estes*, 79 Ark. 504, 96 S.W. 165 (1906); *Thomas v. Burke*, 91 Ark. 595, 121 S.W. 1060 (1909); *Jones v. Coffin*, 96 Ark. 332, 131 S.W. 873 (1910); *Thornton v. Allen*, 101 Ark. 106, 141 S.W. 499 (1911); *Stephens v. School Dist.*, 104 Ark. 145, 148 S.W. 504 (1912).

Circuit court may permit record to be amended so as to show allowance of appeal by the county court. *Drainage Dist. v. Rolfe*, 110 Ark. 374, 161 S.W. 1034 (1913).

The circuit court did not abuse its discretion in allowing an appeal where the

original papers were not filed before the trial date, inasmuch as certified copies had been filed and there was no showing that appellees were in any manner prejudiced. *Woollard v. Circuit Court*, 222 Ark. 287, 258 S.W.2d 886 (1953).

—Petitioners for Drainage District.

A petitioner may appeal to the circuit court from an order of the county court refusing a petition for the establishment of a drainage district. *Sharum v. Fry*, 95 Ark. 385, 129 S.W. 818 (1910).

The petitioners, as well as the remonstrants, have a right to appeal from an order of the county court adverse to their interests and relative to the formation of a drainage district. *Collins v. Stewart*, 117 Ark. 4, 173 S.W. 824 (1915).

—School Districts.

Where it is sought to annex certain territory of one school district to another, the district whose territory is to be annexed may appeal from a judgment of the county court to the circuit court without its board of directors first appearing in the county court. *School Dist. v. Rural Special School Dist.*, 128 Ark. 383, 194 S.W. 241 (1917).

School district properly appealed from an order approving a bond. *Hulbert Special Sch. Dist. v. Cooper*, 180 Ark. 29, 20 S.W.2d 322 (1929).

—Taxpayers.

If a county court has proceeded irregularly in the exercise of its constitutional jurisdiction to make a contract for the building of a courthouse, citizens, residents, and taxpayers have a remedy to correct that irregularity by becoming parties to the proceeding and appealing to the circuit court, but a bill in equity will not lie to restrain the making of such a contract for irregularity only. *Bowman v. Frith*, 73 Ark. 523, 84 S.W. 709 (1905).

One who is a citizen of the county and taxpayer in a drainage district and who is interested in an order of the county court allowing a claim against the district is entitled to appeal therefrom. *Huddleston v. Coffman*, 90 Ark. 219, 118 S.W. 1010 (1909).

One who is a citizen or resident and a taxpayer has the right to appeal from an order of allowance against the county, whether he intervenes before or after the allowance is made. *Van Hook v. McNeil*

Monument Co., 101 Ark. 246, 142 S.W. 154 (1911).

A citizen and taxpayer may appeal from an order designating a county depository. *Casey v. Independence County*, 109 Ark. 11, 159 S.W. 24 (1913).

Where the county court made an order establishing a road through certain lands, a citizen and taxpayer owning lands taken by the road may make himself a party to the proceedings and appeal from the order of the court. *McMahan v. Ruble*, 135 Ark. 83, 204 S.W. 746 (1918).

A taxpayer is authorized to appeal from an order of the county court allowing a claim against the county and confirming a sale of county property in satisfaction thereof without becoming a party to the

proceedings. *Wright v. LeCroy*, 184 Ark. 837, 44 S.W.2d 355 (1931).

The county court, in passing on a claim presented to it, acts in a judicial capacity. Any citizen of any county, city, or town may institute suit in behalf of himself and others interested, to protect the inhabitants thereof against the enforcement of any illegal exactions whatever, and their proper remedy is to appeal to the circuit court. *Arkansas Ass'n of County Judges v. Green*, 232 Ark. 438, 338 S.W.2d 672 (1960).

Cited: *Norman v. Fife*, 61 Ark. 33, 31 S.W. 740 (1895); *Morgan v. St. Louis, I. M. & S. R. Co.*, 106 Ark. 74, 152 S.W. 1023 (1912); *Lee v. McNeil*, 308 Ark. 114, 823 S.W.2d 837 (1992).

16-13-202. Rules.

Circuit courts shall have power to make and establish all proper rules which may be necessary for the dispatch of business of the term.

History. Civil Code, § 18; Acts 1873, § 2231; Pope's Dig., § 2859; A.S.A. 1947, No. 88, § 1 [18], p. 213; C. & M. Dig., § 22-309.

RESEARCH REFERENCES

Ark. L. Rev. Judicial Regulation of Procedure, 9 Ark. L. Rev. 146.

Cox and Newbern, *New Civil Procedure: The Court That Came in From the Code*, 33 Ark. L. Rev. 1.

CASE NOTES

Cited: *Housing Auth. v. E.W. Johnson Constr. Co.*, 264 Ark. 523, 573 S.W.2d 316 (1978).

16-13-203. Supervision of county courts and county, local, and municipal boards or officers.

(a) The circuit courts shall have superintending control over the judgments, final orders, and proceedings of county courts and county boards or officers.

(b) The circuit courts shall have supervision and control over all local, county, and municipal boards or officers in their actions or proceedings in the taxing, assessing, seizing, or sale of property.

History. Civil Code, § 19; Acts 1873, §§ 2239, 2240; Pope's Dig., §§ 2867, 2868; A.S.A. 1947, §§ 22-305, 22-306.

CASE NOTES

ANALYSIS

Continuing Jurisdiction.
Correction of Illegal Levy.

Continuing Jurisdiction.

Upon appeal to the circuit court from order of the county court disallowing claim for damages, the circuit court acquired exclusive jurisdiction of the case and thereafter, it had the jurisdiction to issue such orders as were necessary to the exercise of its jurisdiction. *Dobbins Bros.*

v. Anderson, 199 Ark. 635, 135 S.W.2d 325 (1940).

Correction of Illegal Levy.

There is no provision to correct an illegal or erroneous levy by the county court, and, in that case, the taxpayer must look to the superintending control and appellate jurisdiction of the circuit courts over the county courts, and where no remedy by appeal is provided, he is entitled to relief by certiorari or prohibition. *Floyd v. Gilbreath*, 27 Ark. 675 (1872).

16-13-204. Issuance of writs, orders, or process.

(a) The circuit courts and their judges shall have the power to issue all proper writs, orders, or process in the cases mentioned in §§ 16-13-201(b)(1) and 16-13-203.

(b) The circuit courts and their judges shall have power to issue all writs, orders, and process which may be necessary in the exercise of their jurisdiction, according to the principles and usages of law.

History. Civil Code, § 19; Acts 1873, No. 88, § 1 [19], p. 213; C. & M. Dig., § 2241; Pope's Dig., § 2869; A.S.A. 1947, § 22-307.

Cross References. Power to issue writs and process, § 16-10-106.

CASE NOTES

ANALYSIS

Bail.
Restraining Order.

Bail.

Where probable cause for detention in a felony matter had been found in municipal court, and the case had been bound over to circuit court, then the circuit court had jurisdiction to reduce the bail set by the municipal court. *State v. Pulaski County Circuit Court*, 326 Ark. 886, 934 S.W.2d 915 (1996). See also *State v. Pulaski County Circuit Court*, 327 Ark. 287, 938 S.W.2d 815 (1997).

Restraining Order.

On appeal to the circuit court from order of county court disallowing claim for

damages, circuit court had jurisdiction to issue restraining order enjoining county judge from allowing claims except for essential county purposes authorized by law, and in the absence of the circuit judge from the county, the chancellor, acting for him, had jurisdiction to issue the order, but the order would be that of the circuit court, having been made by the chancellor for that court, and would not vest jurisdiction in the chancery court or deprive the circuit court of its jurisdiction, and the continuance or dissolution of the order would be a matter within the jurisdiction of the circuit court. *Dobbins Bros. v. Anderson*, 199 Ark. 635, 135 S.W.2d 325 (1940).

Cited: *Shelton v. State*, 44 Ark. App. 156, 870 S.W.2d 398 (1994).

16-13-205. Writs of certiorari — Temporary restraining orders — Enforcement.

(a) The circuit courts shall have power to issue writs of certiorari to any officer or board of officers, city or town council, or any inferior tribunal of their respective counties in order to correct any erroneous or void proceeding or ordinance and to hear and determine the proceeding or ordinance.

(b)(1) Application for a writ of certiorari may be made to the court or the judge thereof in vacation on reasonable notice.

(2) A temporary restraining order may be granted upon the application for a writ of certiorari on bond and good security being given, in a sum to be fixed by the court or the judge in vacation, conditioned that the applicant will perform the judgment of the court.

(c)(1) Affidavits may be read on such applications, and evidence dehors the record may be introduced by either party on the hearing.

(2) The record of any such inferior judicial tribunal shall be conclusive as far as the record extends, but the acts of any executive officer or board of that inferior tribunal shall only be prima facie evidence of their regularity and legality.

(d) The court shall have power in such cases to enforce its judgment by mandamus, prohibition, and other appropriate writs.

History. Civil Code, § 18; Acts 1873, Dig., §§ 2865, 2866; A.S.A. 1947, §§ 22- No. 88, § 1 [18], p. 213; 1899, No. 62, § 1, 302, 22-303.
p. 112; C. & M. Dig., §§ 2237, 2238; Pope's

RESEARCH REFERENCES

Ark. L. Rev. Certiorari in Arkansas, 17 Ark. L. Rev. 163.

Judicial Review of Administrative Agencies in Arkansas, 25 Ark. L. Rev. 397.

CASE NOTES

ANALYSIS

Boards or Officers.
City Councils.
Discretion of Court.
Evidence.
Hearing.
Inferior Tribunals.
Other Remedy.
Record.
Scope of Writ.

Boards or Officers.

Certiorari does not lie to review action of election commissioners. *Graves v. Mc-*

Connell, 162 Ark. 167, 257 S.W. 1041 (1924).

Certiorari is available for the purpose of giving opportunity to review decision of a board in removing an officer pursuant to the terms of the statute. *McCain v. Collins*, 204 Ark. 521, 164 S.W.2d 448 (1942).

Under this section, circuit court had jurisdiction over Eclectic State Medical Board (now Arkansas State Medical Board) and, upon finding that board was failing or refusing to act in accordance with court's order to conduct a hearing, court could act in lieu of board. *Schirmer*

v. Cockrill, 223 Ark. 817, 269 S.W.2d 300 (1954).

City Councils.

In certiorari proceeding to review resolution of city council declaring vacant the position of commissioner of street improvement district, circuit court acquired jurisdiction of the subject matter when the petition was filed and procedural matters, including issuance of writ, could be waived. *Jones v. Leighton*, 200 Ark. 1015, 142 S.W.2d 505 (1940).

The action of the city commission in revoking a permit to operate a taxicab is subject to review by certiorari in circuit court, and that court's action is subject to review by certiorari in the supreme court. *Veteran's Taxicab Co. v. City of Ft. Smith*, 213 Ark. 687, 212 S.W.2d 341 (1948).

Discretion of Court.

Certiorari, being a writ of discretion, may be denied by the court to which application is made where the law does not expressly or by clear implication direct that it shall be issued. *McAllister v. McAllister*, 200 Ark. 171, 138 S.W.2d 1040 (1940).

Unless trial court abuses its discretion in denying or granting a writ of certiorari, Supreme Court will not reverse that decision. *Ricci v. Poole*, 253 Ark. 324, 485 S.W.2d 728 (1972).

The writ is not one of right, but is to be granted or denied within the discretion of the court from which it is sought. *Gran v. Hale*, 294 Ark. 563, 745 S.W.2d 129 (1988).

Evidence.

Where the writ of certiorari is limited as at common law, the court is confined in its review of the evidence to the determination of whether there was substantial evidence to sustain the judgment. *Hall v. Bledsoe*, 126 Ark. 125, 189 S.W. 1041 (1916).

Records of a legislative body are conclusive and, on application for certiorari, evidence not appearing in the record would be inadmissible. *McAllister v. McAllister*, 200 Ark. 171, 138 S.W.2d 1040 (1940).

On hearing the writ of certiorari, circuit court does not proceed de novo and try the case as if it had never been heard in the inferior court; the office of the writ is to review errors of law, one of which may be the legal sufficiency of the evidence.

McCain v. Collins, 204 Ark. 521, 164 S.W.2d 448 (1942).

On certiorari, circuit court may hear evidence dehors the record in order to ascertain what evidence was heard by the inferior tribunal and to determine whether the evidence was legally sufficient to sustain the judgment of that tribunal. *McCain v. Collins*, 204 Ark. 521, 164 S.W.2d 448 (1942).

Neither circuit court nor Supreme Court had authority on writ of certiorari to pass on the question of the preponderance of the evidence supporting action of agency. *McCain v. Collins*, 204 Ark. 521, 164 S.W.2d 448 (1942).

Hearing.

A hearing is contemplated on a petition for certiorari under this section. *Carrier v. Beck*, 227 Ark. 92, 296 S.W.2d 446 (1956).

Inferior Tribunals.

The errors of a mayor's court, having jurisdiction of a case of assault and battery, in overruling a plea of former conviction and refusing to dismiss for want of a bond for costs, are not jurisdictional and cannot be corrected on certiorari. *Salem v. Colley*, 70 Ark. 71, 66 S.W. 195 (1901).

Judgment in action of writ of certiorari, refusing to quash a judgment of a justice of the peace, was proper where petition merely alleged that petitioner had a meritorious defense but did not show the facts constituting the defense. *Overton v. Alston*, 199 Ark. 96, 132 S.W.2d 834 (1939).

A wife's petition for certiorari to quash a divorce decree would be denied where the circumstances and conditions which arose since the decree would render it inequitable and unjust to an innocent third party to grant the writ, and because the petition did not allege fraud or inequitable conduct in obtaining the decree or a defense to the divorce action. *Whaley v. Whaley*, 213 Ark. 232, 209 S.W.2d 871 (1948).

Other Remedy.

The writ of certiorari should not be issued in any case where there is, or has been, a right to appeal, unless the opportunity for appealing has been lost without fault of the petitioner. *Payne v. McCabe*, 37 Ark. 318 (1881). See *Vance v. Gaylor*, 25 Ark. 32 (1867); *Wyatt & Hensley v. Burr*, 25 Ark. 476 (1869); *Smith v. Parker*, 25 Ark. 518 (1869); *Vance v. Little Rock*, 30

Ark. 435 (1875); *Burke v. Coolidge*, 35 Ark. 180 (1879); *Burgett v. Apperson*, 52 Ark. 213, 12 S.W. 559 (1889).

Judgment will not be quashed if there was other adequate remedy. *Aven v. Wilson*, 61 Ark. 287, 32 S.W. 1074 (1895); *Gates v. Hayes*, 69 Ark. 518, 64 S.W. 271 (1901).

Certiorari will not lie at the instance of the creditors of a decedent's estate to set aside the classification of a claim allowed by the probate court in favor of another creditor as the appeal by the personal representative provided in such case furnishes an adequate remedy. *Merchants & Planters Bank v. Fitzgerald*, 61 Ark. 605, 33 S.W. 1064 (1896).

The Department of Human Services (DHS) was not entitled to a writ of certiorari ordering the Claims Commission to dismiss a claim pending before it since the pending claim was within the jurisdiction of the Claims Commission and the DHS had an adequate remedy of appealing the Claims Commission's ruling to the General Assembly. *Hanley v. Arkansas State Claims Comm'n*, 333 Ark. 159, 970 S.W.2d 198 (1998).

Record.

On certiorari, the record is conclusive as far as it extends. *Countz v. Markling*, 30 Ark. 17 (1875).

Clerk should return transcript of record with his response. *Phillips v. Desha*, 58 Ark. 250, 24 S.W. 249 (1893).

Though equalization board had finally adjourned when assessment of taxpayer's mineral rights were made, taxpayer was not without right of redress since he had the right, by certiorari from the circuit court directed to the county clerk, to have the record brought up for review and correction. *Stout Lumber Co. v. Parker*, 197 Ark. 65, 122 S.W.2d 180 (1938).

Scope of Writ.

This section does not enlarge the writ of certiorari into an appeal or writ of error for the correction of mere errors in judicial proceedings; the practice is still to affirm or quash the judgment on the trial of the certiorari. *St. Louis, I.M. & S. Ry. v. Barnes*, 35 Ark. 95 (1879); *North Little Rock Transp. Co. v. Sangster*, 210 Ark. 294, 195 S.W.2d 549 (1946).

The writ of certiorari cannot be used by the circuit courts for the correction of

errors of inferior courts as upon appeal; but where the inferior judgment shows upon its face that the court had no jurisdiction of the subject matter, or the person of the defendant, it may be quashed upon certiorari. *State ex rel. Izard County v. Hinkle*, 37 Ark. 532 (1881); *Street v. Stuart*, 38 Ark. 159 (1881); *Baskins v. Wylds*, 39 Ark. 347 (1882); *Haynes v. Semmes*, 39 Ark. 399 (1882); *Pettigrew v. Washington County*, 43 Ark. 33 (1884); *Burgett v. Apperson*, 52 Ark. 213, 12 S.W. 559 (1889).

Certiorari cannot be converted into injunction suit. *Moore v. Turner*, 43 Ark. 243 (1884).

A writ of certiorari may be quashed after the return when it is made to appear that it will not serve the ends of justice; but it will not be quashed where the return shows that the bill of exceptions (now abolished) as certified does not conform to that which was originally filed. *Martin v. St. Louis, I.M. & S. Ry.*, 53 Ark. 250, 13 S.W. 765 (1890).

A judgment void upon its face will be quashed on certiorari. *Chevrolet Motor Co. v. Landers Chevrolet Co.*, 183 Ark. 669, 37 S.W.2d 873 (1931).

The scope of a writ of certiorari at common law is not enlarged by this section. *McAllister v. McAllister*, 200 Ark. 171, 138 S.W.2d 1040 (1940).

Writ of certiorari can be used by the circuit court in the exercise of its appellate power and superintending control over inferior courts, where the tribunal to which it is issued has exceeded its jurisdiction, where party applying for it had the right of appeal but lost it through no fault of his own, and where circuit court has superintending control over a tribunal which has proceeded illegally and no other mode has been provided for directly reviewing its proceedings; but it cannot be used as a substitute for an appeal or writ of error, for the correction of errors or irregularities in proceedings of inferior courts. *McCain v. Collins*, 204 Ark. 521, 164 S.W.2d 448 (1942).

Neither mandamus, certiorari, nor prohibition may be used as a substitute for appeal. *Gran v. Hale*, 294 Ark. 563, 745 S.W.2d 129 (1988).

Cited: *Eclectic State Medical Bd. v. Beatty*, 203 Ark. 294, 156 S.W.2d 246 (1941); *Carrier v. Beck*, 227 Ark. 92, 296 S.W.2d 446 (1956).

16-13-206. Term of court — Court to remain open.

(a)(1) The circuit court of each county and of each division in each county having two (2) or more divisions of circuit court shall be open by operation of law at the beginning of each regular term of that court, as fixed by law, and shall remain open until the beginning of the next term of the court.

(2) When any circuit court is duly convened for a regular term, the court shall remain open for all criminal, civil, or special proceedings until its next regular term.

(b) No term of the court shall lapse by reason of the fact that the court was not formally opened at the beginning of the term.

History. Acts 1943, No. 202, § 1; 1951, No. 207, § 1; 1955, No. 49, § 4; A.S.A. 1947, §§ 22-311, 22-312.

not to affect proceedings, § 16-10-113.

County court terms not to conflict with terms of circuit court, § 16-15-103.

Cross References. Change of term

CASE NOTES

Cited: Bean v. Roberts, 240 Ark. 9, 397 S.W.2d 784 (1966); Higginbotham v. State, 251 Ark. 832, 475 S.W.2d 522 (1972); Peek

v. Meadors, 255 Ark. 347, 500 S.W.2d 333 (1973); Renfro v. City of Conway, 260 Ark. 852, 545 S.W.2d 69 (1977).

16-13-207. Sessions.

(a)(1) Each circuit court may by a rule or order fix times and places when the court will be in session for the transaction of business. However, the scheduled sittings of the court shall not preclude the transaction of business by the court at other times or places.

(2) No jury, however, shall be convened at a place other than the regular and customary place for holding court in each county or district thereof, as the case may be.

(b) When any circuit court is duly convened for a regular term, the court may be in session at any time the judge thereof may deem necessary. However, no session of the court shall interfere with any other court to be held by the same judge.

(c) Two (2) or more circuit courts of the same district may be concurrently in session.

History. Acts 1943, No. 202, § 1; 1951, No. 207, § 1; 1955, No. 49, § 4; A.S.A. 1947, §§ 22-311, 22-312.

CASE NOTES

ANALYSIS

Continuance.
Discretion of Court.

Continuance.

Motion of defendant for a continuance on the ground that court was not properly in session, since court was in session in another district in the same county, was properly overruled, since evidence failed to show that the court was in session in another district in the same county, and even if the court was in session in another district, that did not interfere with the

holding of session of any other court. *McGaha v. State*, 216 Ark. 165, 224 S.W.2d 534 (1949).

Discretion of Court.

When the regular term of court has been convened, the judge at his discretion may adjourn and convene court as he "may deem necessary." *Bradley v. State*, 213 Ark. 927, 213 S.W.2d 901 (1948).

Cited: *Bean v. Roberts*, 240 Ark. 9, 397 S.W.2d 784 (1966); *Peek v. Meadors*, 255 Ark. 347, 500 S.W.2d 333 (1973); *Renfro v. City of Conway*, 260 Ark. 852, 545 S.W.2d 69 (1977).

16-13-208. Adjournments — Recess.

There shall be no adjournments of circuit courts. However, courts shall be deemed in recess while not engaged in the transaction of business.

History. Acts 1951, No. 207, § 1; A.S.A. 1947, § 22-312.

CASE NOTES

In General.

Under this section, there is no longer any such thing as a final adjournment after the first session of each term, for the court remains open until the last instant of each regular term. *Central Cas. Co. v. State*, 233 Ark. 832, 349 S.W.2d 135 (1961).

Cited: *Bean v. Roberts*, 240 Ark. 9, 397 S.W.2d 784 (1966); *Peek v. Meadors*, 255 Ark. 347, 500 S.W.2d 333 (1973); *Renfro v. City of Conway*, 260 Ark. 852, 545 S.W.2d 69 (1977).

16-13-209. Notice of proceedings.

Where the defendant or respondent has answered or otherwise pleaded and if the time has not been set by the court, all interested parties, together with their attorneys, shall receive notice from the clerk of the court of any proceeding affecting their rights and shall be given time to prepare to meet the proceeding. However, this section shall not apply in cases wherein all interested parties are required by law to take notice.

History. Acts 1943, No. 202, § 1; 1955, No. 49, § 4; A.S.A. 1947, § 22-311.

CASE NOTES

ANALYSIS

In General.
Due Process.
Failure to Give Notice.
Record.
Sufficiency.

In General.

This section does not require that the court clerk give notice to all interested parties in all cases, but only in those cases where the time has not been fixed by the court and in those cases where parties are not required by law to take notice. *Harris v. State*, 6 Ark. App. 89, 638 S.W.2d 698 (1982).

Due Process.

While a circuit court is authorized to affirm a judgment of a lower court if the appellant fails to appear when his case has been scheduled for trial, due process dictates that appellant be afforded proper notice and an opportunity to be heard in a proceeding involving the deprivation of life, liberty or property; that interested parties as well as their attorneys receive notice from the clerk of the court of proceedings-scheduled; and that time shall be afforded counsel to prepare for trial. *Rawls v. State*, 266 Ark. 919, 587 S.W.2d 602 (Ct. App. 1979).

Where a bonding company failed to show that it was prejudiced by the lack of notice of an original bond forfeiture order prior to the entry of the nunc pro tunc order correcting the name of the bonding company that was subject to the same, it could not prove that its due process rights were violated; because the nunc pro tunc judgment was correct, reflecting an accurate correction of the clerical error in the

earlier order, nothing would be gained by setting aside the order and immediately reentering it. *Holt Bonding Co. v. State*, 353 Ark. 136, 114 S.W.3d 179 (2003).

Failure to Give Notice.

Circuit court has no power to render a default judgment, without notice, in a county other than that in which the action is pending. *Howell v. Van Houten*, 227 Ark. 84, 296 S.W.2d 428 (1956).

Record.

If court was not in session on a certain day, authority to hear witnesses and make their testimony a part of the record in the original proceeding was lacking unless this section had been complied with or no notice had been waived. *Vaccinol Prods. Corp. v. State*, 201 Ark. 1066, 148 S.W.2d 1069 (1941) (decision under prior law).

Sufficiency.

Notice held to be insufficient. *Renfro v. City of Conway*, 260 Ark. 852, 545 S.W.2d 69 (1977); *Davis v. University of Ark. Medical Ctr. & Collection Serv., Inc.*, 262 Ark. 587, 559 S.W.2d 159 (1977); *Rawls v. State*, 266 Ark. 919, 587 S.W.2d 602 (Ct. App. 1979); *Prine v. State*, 267 Ark. 304, 590 S.W.2d 25 (1979).

Notice held sufficient. *Harris v. State*, 6 Ark. App. 89, 638 S.W.2d 698 (1982).

Since defense attorney had two days notice before the trial date and knew that the case would be reset for a day within ten days or two weeks and there was no reason shown for the attorney's stated inability to contact defendant in Iowa so that he could be present for trial, statutory and due process requirements were met. *Whitmire v. State*, 50 Ark. App. 34, 901 S.W.2d 20 (1995).

16-13-210. Circuit judge may hear and adjudicate causes pending in the circuit.

(a)(1) Any circuit judge of this state, at any time while mentally and physically competent and physically present in the geographical area of the judicial circuit which he or she serves as judge, may hear, adjudicate, or render any appropriate order with respect to any cause or matter pending in any circuit court over which he or she presides, subject to such notice of the time, place, and nature of the hearing being given as may be required by law or by rule or order of the court.

(2) However, no contested case may be tried outside the county of the venue of the case, except upon the agreement of the parties interested.

(b) A circuit judge assigned to a cause or matter, either by regular docket assignment or by Supreme Court order, may render or sign orders in that cause or matter in a geographical location other than the judicial circuit in which the cause or matter is pending.

(c) A retired circuit judge, chancellor, or circuit-chancery judge assigned to a cause or matter by Supreme Court order may render or sign orders in that cause or matter in a geographical location other than the judicial circuit in which the cause or matter is pending.

History. Acts 1961, No. 81, § 1; A.S.A. 1947, § 22-313; Acts 2003, No. 1000, § 1.

A.C.R.C. Notes. Section 19 of Amendment 80 to the Arkansas Constitution provided that all sitting circuit, chancery, and circuit chancery judges at the time

the amendment took effect were to continue in office as circuit judges and that circuit courts were to have jurisdiction of all matters previously dealt with by circuit, chancery, and probate courts, including juvenile matters.

RESEARCH REFERENCES

U. Ark. Little Rock L. Rev. Survey of Legislation, 2003 Arkansas General Assembly, Practice, Procedure, and Courts,

Power to Sign Orders Outside Judicial Circuit, 26 U. Ark. Little Rock L. Rev. 447.

CASE NOTES

ANALYSIS

In General.

Charge and Sentence in Different Districts.

Dismissal of Action.

In General.

Section 16-88-105, this section, and Ark. Const., Art. 7, § 13 [repealed], provide that a circuit judge may act in a criminal case only when he is within the geographical area of the judicial district in which the charge is filed; it has been so for over 150 years. *Waddle v. Sargent*, 313 Ark. 539, 855 S.W.2d 919 (1993).

A circuit judge has the authority to preside over proceedings in any courtroom, in any county, within the judicial district for which that judge was elected. *Davis v. Reed*, 316 Ark. 575, 873 S.W.2d 524 (1994).

The constitution and applicable statutes provide that a circuit judge may act in a criminal case only when he is within

the geographical area of the judicial district in which the charge is filed. *State v. Vaughan*, 343 Ark. 293, 33 S.W.3d 512 (2000).

Charge and Sentence in Different Districts.

It was not error to charge the defendant with having committed a crime in one district in a county in the circuit, and have him sentenced by the circuit judge in another. *Renfro v. State*, 264 Ark. 601, 573 S.W.2d 53 (1978).

Dismissal of Action.

Court granted physician's petition for a writ of certiorari in administratrix's third medical negligence and wrongful death action as the trial judge's reversal of his order dismissing the administratrix's second complaint, which was assigned to another judge, had no bearing on whether the trial judge could make a ruling on the motion to dismiss the third complaint. *Jordan v. Circuit Court*, 366 Ark. 326, 235 S.W.3d 487 (2006).

16-13-211. Proceedings during vacation of court or in chambers.

(a) The circuit judges of the circuit courts constituting the judicial districts over which they have jurisdiction and preside are empowered and authorized to deliver opinions and make and sign judgments in cases taken under advisement and submitted to that court at a term of court, or by consent and agreement of interested parties in vacation, either in chambers or at the regular place of holding court in the respective counties constituting the judicial district.

(b) By consent of interested parties and counsel, where a jury is waived and a cause is submitted for trial before the court sitting as a jury, the trial and hearing may be held in chambers in the county of the residence of the regular presiding circuit judge.

(c) Consent judgments, ex parte proceedings, and matters not requiring the services of a jury may be made and hearings had in chambers in the county of the residence of the regular presiding circuit judge.

(d) Any opinion, judgment, or order rendered and made under and pursuant to this section shall be signed by the presiding circuit judge. This opinion, judgment, or order shall become effective when entered of record in the county where the action or matter originated or was filed.

(e) The purpose of this section is to better facilitate the disposition of court matters where the services of a jury are not required and to expedite, by consent of interested parties and counsel, legal matters and actions which otherwise would be delayed until the regular convening of a term of court and to save the costs of such regular convening.

History. Acts 1949, No. 257, §§ 1-5;
A.S.A. 1947, §§ 22-314 — 22-318.

CASE NOTES**ANALYSIS**

Applicability.

Consent of Interested Parties.

Applicability.

This section applies only to actions of the court in vacation and would not require that the trial judge sign the judgment sentencing a criminal defendant. *Shipman v. State*, 261 Ark. 559, 550 S.W.2d 424 (1977).

Consent of Interested Parties.

Persons who were not parties to action, did not intervene therein, did not employ attorney to act for them, and did not even communicate their desires to parties or their attorneys, could not have judgment in action set aside on ground that parties to action committed fraud on court by agreeing to try action in chambers in county of judge's residence. *Morrell v. Hill*, 218 Ark. 552, 237 S.W.2d 467 (1951).

16-13-212. [Repealed.]

Publisher's Notes. This section, concerning counterclaims and setoffs exceeding inferior court's jurisdiction, was repealed by Acts 1987, No. 431, § 8. The

section was derived from Acts 1963, No. 488, §§ 2-5; A.S.A. 1947, §§ 27-2010—27-2013.

16-13-213. [Repealed.]

Publisher's Notes. This section, concerning special judges, was repealed by Acts 2003, No. 1185, § 75. The section

was derived from Civil Code, § 761; C. & M. Dig., § 2226; Pope's Dig., § 2854; A.S.A. 1947, § 22-339.

16-13-214. Disqualification of judges.

No judge of the circuit court shall sit on the determination of any case in which he or she is interested in the outcome, is related to any party within the third degree of consanguinity or affinity, has been of counsel in the case or presided over it in any inferior court, or is otherwise disqualified under the Arkansas Code of Judicial Conduct, unless the parties waive the disqualification as provided therein.

History. Rev. Stat., ch. 43, § 24; C. & M. Dig., §§ 2107, 6400; Pope's Dig., §§ 2711, 8362; A.S.A. 1947, § 22-113; Acts 2003, No. 1185, § 76.

Publisher's Notes. Rev. Stat., ch. 43, § 24, is also codified as §§ 16-13-312 [re-

pealed], 16-14-103 [repealed], 16-15-111, and 16-19-206 [repealed].

Cross References. Computing degrees of consanguinity, § 28-9-212.

Disqualification of judges, Ark. Const., Amend. 80, § 12.

RESEARCH REFERENCES

Ark. L. Rev. Brill, *The Arkansas Code of Judicial Conduct*, 35 Ark. L. Rev. 247.

CASE NOTES

ANALYSIS

Purpose.

Continuance.

Grounds.

—Acting as Counsel.

—Bias or Prejudice.

—Interest.

—Relationship.

Presumption.

Purpose.

This section and § 16-13-101 tend to carry out the intention of Ark. Const., Art. 7, § 20 [repealed]. *Mears v. Hall*, 263 Ark. 827, 569 S.W.2d 91 (1978).

Continuance.

It is no ground of error that a judge who was incompetent to sit in a cause took jurisdiction of it so far as to grant a continuance, for it would have been continued by operation of law, without action of the judge, he being incompetent to try it. *Stone v. Robinson*, 9 Ark. (4 English) 469 (1849).

Grounds.

A trial judge is not disqualified in a criminal case because the defendant claims to have entered a plea of guilty upon an agreement with the judge and prosecuting attorney that certain other pending indictments would be dismissed where the agreement was denied by the judge. *Hudspeth v. State*, 188 Ark. 323, 67 S.W.2d 191 (1933), cert. denied, *Hudspeth v. Arkansas*, 296 U.S. 642, 56 S. Ct. 178, 80 L. Ed. 456 (1935).

—Acting as Counsel.

The objection that a judge was disqualified by reason of having appeared for the plaintiffs in a previous suit against the defendants upon the same cause of action which had been dismissed for want of prosecution will be deemed waived where the case was allowed to proceed to judgment without calling the judge's attention to his disqualification. *Washington Fire Ins. Co. v. Hogan*, 139 Ark. 130, 213 S.W. 7 (1919).

—Bias or Prejudice.

Prejudice is not ground for disqualifying judge. *Jones v. State*, 61 Ark. 88, 32 S.W. 81 (1895).

Evidence did not establish bias or prejudice warranting disqualification of judge. *Norman v. State*, 236 Ark. 476, 366 S.W.2d 891 (1963), cert. denied, *Norman v. Arkansas*, 375 U.S. 933, 84 S. Ct. 337, 11 L. Ed. 2d 265 (1963); *Van Hook v. Van Hook*, 270 Ark. 27, 603 S.W.2d 434 (1980); *Matthews v. Rodgers*, 279 Ark. 328, 651 S.W.2d 453 (1983); *Welch v. State*, 283 Ark. 281, 675 S.W.2d 641 (1984).

The fact that a judge may have, or may develop during the trial, an opinion, a bias or a prejudice does not make the trial judge so biased and prejudicial as to require his disqualification in further proceedings. *Matthews v. Rodgers*, 279 Ark. 328, 651 S.W.2d 453 (1983).

Whether a judge has become biased to the point that he should disqualify himself is a matter to be confined to the conscience of the judge; the reason is that bias is a subjective matter peculiarly within the knowledge of the trial judge. Thus, absent some objective demonstration of prejudice, it is a communication of bias which will cause an appellate court to reverse a trial judge's decision on disqualification. *Matthews v. Rodgers*, 279 Ark. 328, 651 S.W.2d 453 (1983).

—Interest.

The interest which disqualifies a judge is not the kind of interest which one feels in public proceedings or public measures; it must be a pecuniary or property interest or one affecting his individual rights; and the liability of pecuniary gain or relief must occur upon the event of the suit and not result remotely in the future from the general operation of laws and government upon the status fixed by the decision. *Osborne v. Board of Imp.*, 94 Ark. 563, 128 S.W. 357 (1910).

A judge who was the victim of alleged criminal libel by publisher was disqualified from presiding as judge in proceedings under several indictments returned against the publisher since he himself was a party within the necessary degree as used in this section and Ark. Const., Art. 7, § 20 [repealed]. *Copeland v. Huff*, 222 Ark. 420, 261 S.W.2d 2 (1953).

The exchange of circuits was a proceeding in which the self-disqualified trial

judge should not have exercised the discretionary powers of his office since he was personally affected. *State v. George*, 250 Ark. 968, 470 S.W.2d 593 (1971).

Judge passing on compromise settlement between injured employee and tortfeasors in which insurance carrier had subrogation rights did not have a disqualifying interest in the case because he had pending an action for injury to his own hand involving the same liability carrier. *Liberty Mut. Ins. Co. v. Billingsley*, 256 Ark. 947, 511 S.W.2d 476 (1974).

The "interest" which is disqualifying under this section, § 16-13-101, and Ark. Const., Art. 7, § 20 [repealed], is a personal proprietary or pecuniary interest or one affecting the individual rights of the judge, and the liability, gain or relief to the judge must turn on the outcome of the suit. *Mears v. Hall*, 263 Ark. 827, 569 S.W.2d 91 (1978).

Motion for recusal was properly denied where the trial judge had no interest in underlying action beyond that of general interest which any other taxpayer or property owner had, and thus, he did not have a personal or pecuniary interest that justified disqualification. *Worth v. Benton County Circuit Court*, 351 Ark. 149, 89 S.W.3d 891 (2002).

—Relationship.

The husband of the aunt is related to the husband of her niece within the fourth degree of affinity. *Kelly v. Neely*, 12 Ark. 657 (1852).

A circuit judge is not disqualified to preside where he is related by affinity, within the constitutional degrees, to one of the parties in a cause who is merely a trustee and has no interest in the determination of the cause. *Fowler v. Byers*, 16 Ark. (3 Barber) 196 (1855).

An application to the Supreme Court, in the first instance, for a writ of certiorari to a justice of the peace because the circuit judge is of kin to the petitioner, and disqualified, should show how he was related. *Ex parte Allston*, 17 Ark. (4 Barber) 580 (1856).

A judge is disqualified when related within prohibited degree to attorney in the case who has a contingent interest in that his fee is dependent upon the determination of the cause. *Johnson v. State*, 87 Ark. 45, 112 S.W. 143 (1908).

Notwithstanding the conclusion that the trial judge acted in utmost good faith,

a person convicted of murder was entitled to a new trial when he was in ignorance, at the time of trial, of the fact that the judge's wife was a cousin of the victim. *Byler v. State*, 210 Ark. 790, 197 S.W.2d 748 (1946).

Murder defendant who pleaded guilty after the death penalty was waived was not prejudiced by a father-in-law/son-in-law relationship between the judge and one of defendant's court-appointed counsel. *Fuller v. State*, 256 Ark. 998, 511 S.W.2d 474 (1974).

When the relationship is within the proscribed limits, neither the frequency of contact nor the closeness of the individuals bears on the result. *Morton v. Benton Publishing Co.*, 291 Ark. 620, 727 S.W.2d 824 (1987).

Where one spouse's relationship with a judge comes within the prohibition of Ark. Const., Art. 7, § 20 [repealed], this section, and §§ 16-13-312 [repealed], 16-14-103 [repealed], 16-15-111, or 16-19-206 [repealed], the other spouse shares the same degree of relationship by affinity to the judge. *Morton v. Benton Publishing Co.*, 291 Ark. 620, 727 S.W.2d 824 (1987).

Presumption.

Where the record fails to show that the court acted on a suggestion of disqualification, it will be presumed that he found that he was not disqualified. *Davis v. Atkinson*, 75 Ark. 300, 87 S.W. 432 (1905).

Cited: *Braswell v. Gehl*, 263 Ark. 706, 567 S.W.2d 113 (1978).

16-13-215. Entry of judge into armed services — Discharge — Vacancy.

(a) The entry of a regular judge into the armed services of the United States shall not have the effect of vacating his or her office, but during the period of his or her service, he or she shall not be entitled to receive or enjoy the salary or emoluments of the office.

(b) Upon certifying to the Governor his or her discharge from the service, the judge shall be entitled to resume his or her office and thereafter to receive and enjoy the salary and emoluments until a regular judge shall be elected and qualified.

(c) In the event a regular judge enters the armed services of the United States and is killed upon the field of battle, dies, is reported missing for twelve (12) months, or is unheard from for a period of twelve (12) months so that his or her whereabouts are unknown, his or her office shall become vacant upon proclamation by the Governor of such fact, and such vacancy shall be filled as provided by law.

History. Acts 1943, No. 290, § 3; A.S.A. 1947, § 22-347.

absence, election of emergency circuit judge, § 21-4-306.

Cross References. Military leave of

16-13-216. Clerk and court reporter — Assistants — Salaries.

(a) The circuit judge of any judicial district which had a total population between forty-two thousand (42,000) and forty-four thousand (44,000) according to the 1960 Federal Decennial Census may appoint for the district some person who is either a lawyer, or who has served as an official court reporter prior to February 27, 1968, to serve as clerk and court reporter for the judicial district.

(b)(1) The official so provided for in this section for such a judicial district shall receive a salary of five thousand four hundred dollars (\$5,400) per year for such work.

(2) The salary is to be paid in monthly or quarterly payments by the various counties of the judicial district out of proper and appropriate funds and as set out in this section.

(c)(1) The circuit judge of the judicial circuit is authorized, empowered, and directed to employ and appoint a person to assist the clerk or court reporter at the request of the clerk or court reporter at wages to be designated by the circuit judge.

(2) The wages of the assistant shall be paid out of the salary of the clerk or court reporter appointed under this section to serve the judicial district.

(d)(1) The annual salary of the clerk and court reporter shall be paid by the respective counties comprising the judicial districts which may be affected by this section according to an assessment or assessments to be fixed, made, determined, and proportioned among the counties comprising the judicial district by the presiding judge of the judicial district at such time as he or she may deem proper and necessary.

(2) The proportioning, fixing, prorating, and determining of the amounts each county shall pay shall be determined on a basis of assessed valuation of the property in the counties or in the district as a whole.

(3) The salary shall be paid as provided in subsection (b) of this section by the various counties from appropriate county funds.

(e) Nothing in this section shall affect the fees chargeable by court reporters of the judicial districts with a total population of between forty-two thousand (42,000) and forty-four thousand (44,000) according to the 1960 Federal Decennial Census for transcripts and such services as may be now in force and effect.

History. Acts 1961, No. 14, § 1; 1968 (1st Ex. Sess.), No. 66, § 1; A.S.A. 1947, § 22-361.

16-13-217. Law clerks — Service as court reporters and masters.

(a)(1) A circuit judge of any judicial district, any county of which has a population of two hundred forty thousand (240,000) or more according to the most recent federal census, may appoint one (1) law clerk for the county who shall be a licensed attorney or a graduate of a law school approved by the State Board of Law Examiners.

(2) In any judicial district having more than one (1) division of a circuit court, the appointment of the law clerk shall be by concurrence of a majority of the judges of that district.

(b) The law clerk may, in addition, serve as court reporter for the court or any division of the court.

(c) Each circuit judge of a judicial district having a population of two hundred forty thousand (240,000) or more according to the most recent federal census may appoint a law clerk who may also serve as master who shall be a graduate of a law school approved by the State Board of Law Examiners.

(d) The law clerk shall serve at the discretion and under the direction of the circuit judge to whom he or she is assigned.

(e) The powers and duties of the law clerk shall be to administer oaths and affirmations; to take acknowledgments, affidavits, and depositions; to conduct pretrial and prejudgment hearings; and to make recommendations for dispositions to the circuit judge.

(f) A law clerk may be assigned such additional duties at the discretion of the circuit judge as are not inconsistent with the Constitution and laws of the State of Arkansas.

(g)(1) The salary of a law clerk for circuit court provided for under this section shall be the same salary as provided for a circuit court reporter in the district in which the law clerk is appointed.

(2) Should the law clerk serve both as court reporter and law clerk, he or she shall receive in addition thereto the sum of six hundred dollars (\$600) per annum.

History. Acts 1961, No. 14, § 1; 1963, § 1; 1979, No. 580, §§ 1-3; A.S.A. 1947, No. 29, § 1; 1968 (1st Ex. Sess.), No. 66, §§ 22-361 — 22-362.

CASE NOTES

Judicial Authority.

The letter opinion of the judge's law clerk informing the defendant that his petition for post-conviction relief was denied was invalid because a trial judge may

not delegate his judicial authority to a law clerk, and the General Assembly has not attempted to give law clerks the power to decide cases. *Brown v. State*, 290 Ark. 289, 718 S.W.2d 937 (1986).

16-13-218. [Repealed.]

Publisher's Notes. This section, concerning case coordinators, was repealed by Acts 2003, No. 1185, § 77. The section

was derived from Acts 1975, No. 68, § 1; A.S.A. 1947, § 22-364.

16-13-219. Court expenses — Payment.

(a) The expenses accruing in the circuit courts shall be paid out of the county treasury in which each court is held in the same manner as other demands.

(b)(1) These expenses shall include reasonable sums for the employment of secretaries by circuit judges and for reasonable office expenses and office supplies of the circuit judges.

(2) In the event any circuit judge employs a secretary under the provisions of this section, the salary of each secretary shall be fixed by the quorum court of the county or counties involved.

(c) In any case where a particular judicial district is comprised of more than one (1) county, the expenses shall be prorated among the counties comprising the district in such manner as the circuit judge may by order direct.

History. Rev. Stat., ch. 43, § 47; C. & M. Dig., § 2118; Pope's Dig., § 2722; Acts 1977, No. 751, § 1; A.S.A. 1947, § 22-125.

Publisher's Notes. Rev. Stat., ch. 43, § 47, is also codified as §§ 16-13-324, 16-14-109, and 16-15-113.

CASE NOTES

Jurors' Fees.

The compensation of jurors is part of the current expense of holding the circuit

court and is not taxable as costs. Independence County v. Dunkin, 40 Ark. 329 (1883).

16-13-220. Counsel for incompetents.

In addition to all other authority granted by law, every circuit court is authorized to appoint legal counsel to represent a person the court deems incompetent due to minority or mental incapacity in civil and criminal actions.

History. Acts 1987, No. 96, § 2; 2003, No. 1185, § 78.

Publisher's Notes. Acts 1987, No. 96, § 2, is also codified as § 16-13-325.

RESEARCH REFERENCES

U. Ark. Little Rock L.J. Survey — Attorneys, 10 U. Ark. Little Rock L.J. 539.

16-13-221. Legal counsel to personnel.

The Attorney General shall serve as the legal counsel to probation officers and support personnel of circuit courts and shall represent them in any action brought as a result of their official duties.

History. Acts 1989, No. 433, § 1.

16-13-222. Private hearings by circuit courts.

(a)(1) The circuit courts of the various judicial districts of the state shall hear the case or matter in privacy, upon application of all litigants to a divorce action, proceeding for alimony or separate maintenance, proceeding touching the maintenance or custody of children, proceeding for annulment of marriage, adoption proceeding, or any other proceeding pertaining to domestic relations.

(2) To this end, circuit judges are empowered to exclude from any such hearing and from the courtroom all individuals other than the litigants, their counsel, and the officers of the court.

(b) A circuit judge, upon his or her own initiative, may hear such cases and matters in chambers or in privacy where he or she deems it in the best interests of the parties and the best interests of society.

History. Acts 2003, No. 1185, § 79.

16-13-223. Sale and confirmation of property.

A circuit court may make orders for the sale of property in the custody of the court and may confirm the sale, but the sale shall not be confirmed until all parties have reasonable notice and an opportunity to be present and resist the confirmation.

History. Acts 2003, No. 1185, § 79.

16-13-224. Temporary exchange of districts — Assignment.

(a) Circuit judges may temporarily exchange judicial districts by joint order, and any circuit judge who consents may be assigned to another district for temporary service under rules adopted by the Supreme Court.

(b) When a circuit judge is serving temporarily in a judicial district other than his or her own, he or she shall not thereby be disqualified from conducting court or performing the usual and customary functions of his or her office in his or her own judicial district.

(c) A circuit judge on temporary duty by exchange or assignment:

(1) Shall have the same power and authority as a regularly elected or appointed judge for the judicial district; and

(2) May sign any judgment, order, document, or other paper relating to any case heard by the judge, either in the judicial district where the cause or matter is pending or in his or her own district, and the judgment, order, document, or other paper shall for all intents have the same effect, irrespective of the district in which it is signed.

(d) The sheriff and the circuit clerk in the county where a circuit judge is on temporary duty by exchange or assignment shall perform the same duties and functions in carrying out the operation of the court as they perform in cases assigned to the regularly elected or appointed judges.

(e) If a circuit judge who is on temporary duty by exchange or assignment needs a jury for the disposition of any case, he or she may use the regular or special panel of the circuit court of that county. If the regular and special panels are exhausted, he or she may summon the jury commissioners previously appointed and have them select the required number of qualified jurors.

History. Acts 2003, No. 1185, § 79.

16-13-225. Juvenile cases — Information system.

(a) The Director of the Administrative Office of the Courts shall develop for the circuit courts a case-based management information system, capable of capturing information at each stage of the process of juvenile cases, with the capacity to serve basic administration, operations, planning, evaluation, and monitoring needs.

(b) A judge of the circuit court designated to hear juvenile cases in the district plan adopted pursuant to Order 14 of the Administrative

Orders of the Supreme Court shall designate an employee of the court to be responsible for the timely completion and submission of information to the Administrative Office of the Courts.

History. Acts 2003, No. 1185, § 79.

SUBCHAPTER 3 — JUVENILE DIVISION OF CIRCUIT COURT GENERALLY

SECTION.

16-13-301 — 16-13-317. [Repealed.]
 16-13-318. [Repealed.]
 16-13-319. [Repealed.]
 16-13-320. [Repealed.]
 16-13-321 — 16-13-325. [Repealed.]
 16-13-326. Fee — Disposition of funds.

SECTION.

16-13-327. Probation officers.
 16-13-328. Intake officers.
 16-13-329. Dual role precluded.
 16-13-330. Contract providers.
 16-13-331. State reimbursement.

Publisher's Notes. Acts 1994 (2nd Ex. Sess.), No. 66, § 1, provided: "(a) There is hereby created the position of Chancery Judge at Large, which shall be appointed by the Governor as authorized by law and assigned by the Chief Justice of the Arkansas Supreme Court pursuant to Arkansas Code Annotated § 16-10-101 from those Chancery Judges who lost two years of their elected terms pursuant to the United States District Court Consent Decree in the case of Eugene Hunt et al. v. State of Arkansas et al.

"(b) The Chancery Judge at Large shall have original jurisdiction in all matters of equity in judicial districts where assigned and shall serve until December 31, 1996, when the provisions of this act shall expire.

"(c) The Chancery Judge at Large shall receive compensation at the same rate as fixed by law for regularly elected Chancery Judges.

"(d) The Chancery Judge at Large may appoint a court reporter as provided by law, whose salary and expenses shall be paid from the Court Reporter's Fund."

Effective Dates. Acts 1989, No. 418, § 8: Mar. 8, 1989. Emergency clause provided: "It is hereby found and determined by the General Assembly that the juvenile division of chancery court is to be created to replace the juvenile court system provided for in Act 14 of 1987 and that the immediate passage of this act is necessary to insure that there is an orderly and efficient administration of the juvenile justice system of this state. Therefore, an

emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1989, No. 949, § 8: Mar. 27, 1989. Emergency clause provided: "It is hereby found and determined by the General Assembly that the juvenile division of chancery court is to be created to replace the juvenile court system provided for in Act 14 of 1987 and that the immediate passage of this Act is necessary to insure that there is an orderly and efficient administration of the juvenile justice system of this state. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1994 (2nd Ex. Sess.), Nos. 61 and 62, § 8: Aug. 26, 1994. Emergency clause provided: "It is hereby found and determined by the General Assembly that in order to address the problem of juvenile crime it is necessary to authorize the commitment of delinquent juveniles to juvenile detention facilities; that present law now limits to two thousand dollars (\$2,000) the amount a juvenile can be required to pay as restitution to victims, and that amount is becoming increasingly too low; that this act remedies both situations and should go into effect immediately in order to better protect the citizens of this state from the acts of delinquent juveniles and more adequately compen-

sate the victims through restitution. Therefore, an emergency is hereby declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall be in full force and effect from and after its passage and approval."

Acts 1997, No. 321, § 5: Mar. 3, 1997. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that juvenile officers serve a vital function; that the present law concerning state reimbursement to counties for a portion of the cost of providing juvenile officers is inadequate; and that this act is immediately necessary in order to adequately provide for this necessary function. Therefore an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

Acts 1999, No. 460, § 8: July 1, 1999. Emergency clause provided: "It is hereby found and determined by the Eighty-second General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1999 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1999 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby de-

clared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1999."

Acts 2005, No. 1398, § 7: July 1, 2005. Emergency clause provided: "It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 2005 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 2005 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2005."

Acts 2009, No. 956, § 34: Apr. 6, 2009. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that laws concerning juveniles need to be amended and updated; that the fair and efficient administration of juvenile law is highly important to society at large; and that this act is immediately necessary because the judiciary needs to begin addressing these changes in laws involving juveniles. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

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Judicial Administration — Arkansas, 5 Ark. L. Rev. 12.

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Cox and Newbern, New Civil Procedure: The Court That Came in From the Code, 33 Ark. L. Rev. 1.

Killenbeck, And Then They Did ...? Abusing Equity in the Name of Justice, 44 Ark. L. Rev. 235.

16-13-301 — 16-13-317. [Repealed.]

Publisher's Notes. These sections, concerning establishment and operation of chancery courts, and duties and appointment of chancellors, masters, clerks and sheriffs in chancery courts, were repealed by Acts 2003, No. 1185, § 80. The sections were derived from the following sources:

16-13-301. Acts 1903, No. 166, § 1, p. 314; C. & M. Dig., § 2186; Pope's Dig., § 2797; A.S.A. 1947, § 22-401.

16-13-302. Acts 1903, No. 166, § 14, p. 314; C. & M. Dig., § 2200; Pope's Dig., § 2825; A.S.A. 1947, § 22-402.

16-13-303. Acts 1903, No. 166, § 14, p. 314; C. & M. Dig., § 2200; Pope's Dig., § 2825; A.S.A. 1947, § 22-402.

16-13-304. Acts 1903, No. 166, § 4, p. 314; C. & M. Dig., § 2188; Pope's Dig., § 2814; A.S.A. 1947, § 22-404; Acts 1989, No. 949, § 2; 1995, No. 1016, § 1; 1995, No. 1298, § 13; 2001, No. 1153, § 1.

16-13-305. Acts 1903, No. 166, § 17, p. 314; C. & M. Dig., § 2203; Pope's Dig., § 2828; A.S.A. 1947, § 22-403.

16-13-306. Acts 1903, No. 166, § 14, p. 314; C. & M. Dig., § 2200; Pope's Dig., § 2825; A.S.A. 1947, § 22-402.

16-13-307. Acts 1969, No. 358, § 1; A.S.A. 1947, § 22-406.1.

16-13-308. Acts 1969, No. 358, § 2; A.S.A. 1947, § 22-406.2.

16-13-309. Acts 1903, No. 166, § 5, p. 314; C. & M. Dig., § 2189; Acts 1937, No. 171, § 1; Pope's Dig., §§ 2795, 2816; Acts 1973, No. 52, § 1; 1979, No. 211, § 1; A.S.A. 1947, §§ 22-409, 22-411, 22-432.

16-13-310. Acts 1903, No. 166, § 11, p. 314; C. & M. Dig., § 2197; Pope's Dig., § 2822; A.S.A. 1947, § 22-436.

16-13-311. Acts 1941, No. 417, §§ 1-4; A.S.A. 1947, §§ 22-437 — 22-440.

16-13-312. Rev. Stat., ch. 43, § 24; C. & M. Dig., §§ 2107, 6400; Pope's Dig., §§ 2711, 8362; A.S.A. 1947, § 22-113.

16-13-313. Acts 1967, No. 37, § 1; A.S.A. 1947, § 22-449.

16-13-314. Acts 1903, No. 166, § 10, p. 314; C. & M. Dig., § 2196; Pope's Dig., § 2821; A.S.A. 1947, § 22-441.

16-13-315. Acts 1943, No. 42, §§ 1-7; A.S.A. 1947, §§ 22-442 — 22-447, 22-448; Acts 1987, No. 283, §§ 1, 2; 1987, No. 364, §§ 1, 2.

16-13-316. Acts 1951, No. 6, § 2; A.S.A. 1947, § 22-407.1.

16-13-317. Acts 1951, No. 6, § 2; A.S.A. 1947, § 22-407.1.

16-13-318. [Repealed.]

Publisher's Notes. This section, concerning private hearings by chancery courts, was repealed by Acts 2003, No.

1185, § 81. This section was derived from Acts 1953, No. 277, § 1; A.S.A. 1947, § 22-404.1.

16-13-319. [Repealed.]

Publisher's Notes. This section, concerning decisions of chancellors, was repealed by Acts 2003, No. 1185, § 82. The section was derived from Acts 1903, No.

166, § 11, p. 314; C. & M. Dig., § 2197; Pope's Dig., § 2822; A.S.A. 1947, § 22-436.

16-13-320. [Repealed.]

Publisher's Notes. This section, concerning sale and confirmation of property, was repealed by Acts 2003, No. 1185, § 83. The section was derived from Acts

1913, No. 82, § 2, p. 318; C. & M. Dig., § 2191; Pope's Dig., § 2818; A.S.A. 1947, § 22-434.

16-13-321 — 16-13-325. [Repealed.]

Publisher's Notes. These sections, concerning issuance of injunctions in absence of chancellors, appeals, court expenses and payment, and counsel for incompetents, were repealed by Acts 2003, No. 1185, § 84. The sections were derived from the following sources:

16-13-321. Acts 1903, No. 166, § 12, p. 314; C. & M. Dig., § 2198; Pope's Dig., § 2823; A.S.A. 1947, § 22-435.

16-13-322. Acts 1969, No. 358, § 3; A.S.A. 1947, § 22-406.3.

16-13-323. Acts 1903, No. 166, § 4, p. 314; C. & M. Dig., § 2188; Pope's Dig., § 2814; A.S.A. 1947, § 22-404.

16-13-324. Rev. Stat., ch. 43, § 47; C. & M. Dig., § 2118; Pope's Dig., § 2722; Acts 1977, No. 751, § 1; A.S.A. 1947, § 22-125.

16-13-325. Acts 1987, No. 96, § 2.

16-13-326. Fee — Disposition of funds.

(a)(1) The judge of the juvenile division of circuit court may charge a juvenile a fee, not to exceed twenty dollars (\$20.00) per month, for services provided to juveniles by the court.

(2) The court shall have the authority to direct that the fee shall be collected by either the juvenile officer, the sheriff, or the clerk of the juvenile division of circuit court for the county in which the fee is charged.

(b)(1) The officer designated by the court to collect juvenile fees shall deposit the fees weekly in the county treasury of the county where the fees are collected in which probation services are provided.

(2)(A) However, in judicial districts having more than one (1) county, the judge may designate the treasurer of one (1) of the counties in the district as the depository of all juvenile and diversion fees collected in the district.

(B) The treasurer so designated by the court shall maintain a separate account of the juvenile and diversion fees collected in each county in the district.

(C) Money remaining at the end of the fiscal year shall not revert to any other fund but shall carry over to the next fiscal year.

(c) The funds derived from the collection of juvenile fees shall be used by agreement of the judge or judges of the circuit court designated to hear juvenile cases in the district plan under Supreme Court Administrative Order Number 14, originally issued April 6, 2001, and the quorum court of the county to provide services and supplies to juveniles at the discretion of the juvenile division of circuit court.

History. Acts 1989, No. 418, § 5; 1994 (2nd Ex. Sess.), No. 61, § 3; 1994 (2nd Ex.

Sess.), No. 62, § 3; 1995, No. 1204, § 1; 2003, No. 1809, § 14.

CASE NOTES

Custodian.

The trial court cannot assess a probation fee against a custodian under § 9-27-330 or § 9-27-331, because § 9-27-330 does not authorize the assessment of a probation fee against a custodian, and a

juvenile court's authority to assess a probation fee is based upon subsection (a) of this section, which is silent on assessing a probation fee against a custodian. *Arkansas Dep't of Human Servs. v. State*, 312 Ark. 481, 850 S.W.2d 847 (1993).

16-13-327. Probation officers.

(a) Each juvenile division of circuit court shall be provided with no fewer than one (1) probation officer to manage the probation services and needs of the court.

(b) Each probation officer shall:

(1) Be an employee of the judge or judges of the circuit court designated to hear juvenile cases in the district plan under Arkansas Supreme Court Administrative Order Number 14, originally issued April 6, 2001; and

(2) Serve at the pleasure of the judge or judges.

(c)(1) A probation officer:

(A) Shall be certified as a juvenile probation officer according to the laws of this state;

(B) Must complete initial certification requirements within one (1) year of the officer's employment; and

(C) Must maintain the certification during the terms of his or her employment.

(2) The Juvenile Intake and Probation Officers' Certification Committee, composed of juvenile officers and judges of the circuit court designated to hear juvenile cases in their district plan under Arkansas Supreme Court Administrative Order Number 14 originally issued April 6, 2001, and staffed by an employee of the Administrative Office of the Courts, shall establish certification standards for intake and probation officers.

(3) The office shall collect and maintain records for the juvenile officers' certification documentation.

(d)(1)(A) The salary of the probation officer shall be paid by the county or counties in which the probation officer works.

(B) Except as provided in subdivision (d)(3) of this section, the state shall pay a portion of the salary of a full-time probation officer:

(i) Who is certified according to the laws of this state; and

(ii) Whose salary has been paid by the county or counties for a period of one (1) year.

(2) The portion to be paid by the state shall be the lesser of:

(A) Fifteen thousand dollars (\$15,000) per year; or

(B) One-half (1/2) the probation officer's average salary as calculated over the last twelve (12) months.

(3) For reimbursement under the requirements of this subsection, the state shall reimburse a county only for salaries paid to the number of probation officers that:

(A) Meet the requirements of subdivision (d)(1) of this section; and

(B) Do not exceed two hundred fifty (250) positions authorized by the counties for probation and intake officers, subject to state funding.

History. Acts 1989, No. 418, § 1; 1997, No. 1171, § 1; 2003, No. 1166, § 33; 2005, No. 1398, § 2; 2009, No. 956, § 31.

Publisher's Notes. Arkansas Supreme Court Administrative Order Number 14, referred to in this section, is published in the Arkansas Code of 1987 Annotated's annual Court Rules volume immediately preceding the Rules of Appellate Procedure — Civil.

Amendments. The 2005 amendment

inserted the present subdivision designations in (d)(1) and made related changes; substituted "except as provided in subdivision (d)(3)" for "beginning August 1, 1990" in present (d)(1)(B); and added (d)(3).

The 2009 amendment made a minor stylistic change in (d)(1)(B); deleted (d)(3)(B)(i); rewrote (d)(2) and redesignated it as (d)(3)(B); and made a related change.

CASE NOTES

Salary.

Where circuit and chancery judge issued an order setting salaries of the judicial district's probation officer and intake officer at \$18,000.00 per year, and petitioners, members of the county quorum court, voted to pay county's share of the salary, but at the rate of only \$15,000.00 per year and judge ordered petitioners to show cause why they should not be held in

contempt for not complying with his order, petitioners had not failed to fund the court, there was no showing that level of funding was so low that the court could not effectively operate, the inherent authority doctrine did not apply, and court had no authority to hold petitioners in contempt for not complying with its order. *Abbott v. Spencer*, 302 Ark. 396, 790 S.W.2d 171 (1990).

16-13-328. Intake officers.

(a) Each juvenile division of circuit court shall be provided with no fewer than one (1) intake officer to manage the intake needs of the court.

(b) Each intake officer shall:

(1) Be employed by the judge or judges of the circuit court designated to hear juvenile cases in the district's plan under Arkansas Supreme Court Administrative Order Number 14, originally issued April 6, 2001; and

(2) Serve at the pleasure of the judge or judges.

(c)(1) Each intake officer:

(A) Shall be certified as a juvenile intake officer according to the laws of this state;

(B) Must complete initial certification requirements within one (1) year of the officer's employment; and

(C) Must maintain the certification during the terms of employment.

(2) The Juvenile Intake and Probation Officers' Certification Committee, composed of juvenile officers and judges of the circuit court designated to hear juvenile cases in the district plan under the order and staffed by an employee of the office, shall establish certification standards for intake and probation officers.

(3) The office shall collect and maintain records for the juvenile officers' certification documentation.

(d)(1)(A) The salary of the intake officer shall be paid by the county or counties in which the intake officer works.

(B) Except as provided in subdivision (d)(3) of this section, the state shall pay a portion of the salary of a full-time intake officer:

(i) Who is certified according to the laws of this state; and

(ii) Whose salary has been paid by the county or counties for a period of one (1) year.

(2) The portion to be paid by the state shall be the lesser of:

(A) Fifteen thousand dollars (\$15,000) a year; or

(B) One-half ($\frac{1}{2}$) the intake officer's average salary as calculated over the last twelve (12) months.

(3) The state shall reimburse a county only for a portion of salaries paid to the number of intake officers that:

(A) Meet the requirements of subdivision (d)(1) of this section; and

(B) For reimbursement under the requirements of this subsection, do not exceed two hundred fifty (250) positions authorized by the counties for probation and intake officers, subject to state funding.

(e)(1) Each circuit judge whose primary responsibility is conducting hearings for the involuntary admission or commitment of persons to the Arkansas State Hospital or any other public or private hospital with a fully trained psychiatrist on the active or consultant staff shall be provided with no fewer than one (1) intake officer to manage the intake needs of the court.

(2) The salaries of the intake officers shall be paid by the county or counties in which the intake officers work, with the state's paying a portion, e.g., the lesser of either fifteen thousand dollars (\$15,000) per year or one-half ($\frac{1}{2}$) of each full-time intake officer's annual salary.

History. Acts 1989, No. 418, § 2; 1991, No. 794, § 1; 1997, No. 1171, § 2; 2003, No. 1166, § 34; 2005, No. 1398, § 3; 2009, No. 956, § 32.

Publisher's Notes. Arkansas Supreme Court Administrative Order Number 14, referred to in this section, is published in the Arkansas Code of 1987 Annotated's annual Court Rules volume immediately preceding the Rules of Appellate Procedure — Civil.

Amendments. The 2005 amendment inserted the present subdivision designations in (d)(1) and made related changes; substituted "except as provided in subdivision (d)(3)" for "beginning August 1, 1990" in present (d)(1)(B); and added (d)(3).

The 2009 amendment deleted (d)(3)(B)(i); rewrote (d)(3)(B)(ii) and incorporated it as part of (d)(3)(B); and made related changes.

16-13-329. Dual role precluded.

A person shall not serve as both a juvenile probation officer and a juvenile intake officer.

History. Acts 1989, No. 418, § 4; 2003, No. 1166, § 35.

16-13-330. Contract providers.

Intake and probation services deemed necessary by the court may be provided by contract providers by contract between the county or counties in a judicial district and the contract provider, upon approval of the judge or judges of the circuit court designated to hear juvenile cases in their district plan under Arkansas Supreme Court Administrative Order Number 14, originally issued April 6, 2001. Persons providing juvenile intake and probation services by contract shall be certified in the same manner as juvenile intake and probation officers employed by the judge or judges.

History. Acts 1989, No. 418, § 3; 1991, No. 787, § 1; 2003, No. 1166, § 36.

Publisher's Notes. Arkansas Supreme Court Administrative Order Number 14, referred to in this section, is published in

the Arkansas Code of 1987 Annotated's annual Court Rules volume immediately preceding the Rules of Appellate Procedure — Civil.

16-13-331. State reimbursement.

(a) The Auditor of State shall administer the state reimbursement to the counties for the juvenile officers' previous year's salaries.

(b) In order for a county to receive the state reimbursement for juvenile intake and probation officers, the county must submit the following documentation to the Auditor of State, including, but not limited to:

(1) Proof of each juvenile officer's certification and continuing education hours;

(2) A copy of each juvenile officer's W-2 form for the salary year that is being reimbursed; and

(3) A completed form concerning the employment status of the officer which shall be designed and distributed by the Auditor of State.

(c) If a county contracts with a service provider to provide juvenile intake and probation services pursuant to § 16-13-330, the county must submit documentation to the Auditor of State, including, but not limited to:

(1) A copy of the contract for the salary year that is being reimbursed;

(2) A copy of each juvenile officer's certification and continuing education hours;

(3) A copy of each juvenile officer's W-2 form for the salary year that is being reimbursed; and

(4) A completed form concerning the employment status of each officer which shall be designed and distributed by the Auditor of State.

(d)(1) A county may determine that part-time service of a juvenile officer is sufficient to meet the needs of a county.

(2)(A) Multiple counties in a judicial district may share the cost of the salary of the intake and probation officer.

(B) One (1) county may be designated as the county to be reimbursed by the state, or each county shall designate the portion of the salary that it pays for juvenile intake and probation services.

(3)(A) A county may contract with a service provider for full-time or part-time juvenile intake and probation officer services, and the county shall indicate the percentage of the contractor's time that is spent providing juvenile intake and probation officer services for the county.

(B) The county or the contractor shall be reimbursed for one-half (½) of the portion of the salary that is used for such services, up to fifteen thousand dollars (\$15,000).

(e) Nothing in this section removes the obligation of each circuit judge designated to hear juvenile cases in a district plan under Arkansas Supreme Court Administrative Order Number 14, originally issued April 6, 2001, to have a minimum of one (1) intake officer, pursuant to § 16-13-328, and one (1) probation officer, pursuant to § 16-13-327.

History. Acts 1997, No. 321, § 1; 1999, No. 460, § 2; 2003, No. 1166, § 37.

A.C.R.C. Notes. Acts 2001, No. 351, § 2 amended this section to read as follows: "(a) The Auditor of State shall administer the state reimbursement to the counties for the juvenile officers' previous year salaries.

"(b) In order for a county to receive the state reimbursement for juvenile intake and probation officers the county must submit the following documentation to the Auditor of State, including but not limited to: (1) Proof of the juvenile officers' certification and continuing education hours; (2) A copy of the juvenile officers' W-2 form for the salary year that is being reimbursed; and (3) A completed form concerning the employment status of the officer which shall be designed and distributed by the Auditor of State.

"(c) If a county contracts with a service provider to provide juvenile intake and probation services pursuant to § 16-13-330, the county must submit documentation to the Auditor of State, including but not limited to: (1) A copy of the contract for the salary year that is being reimbursed; (2) A copy of the juvenile officers' certification and continuing education hours; (3) A copy of the juvenile officers' W-2 form for the salary year that is being reimbursed; and (4) A completed form concerning the employment status of the officer which shall be designed and distributed by the Auditor of State.

"(d) A county may determine that part-time service of a juvenile officer is sufficient to meet the needs of a county. (1) Multiple counties in a judicial district may

share the cost of the salary of the intake and probation officer. One county may be designated as the county to be reimbursed by the state or each county shall designate the portion of the salary that it pays for juvenile intake and probation services. (2) The county may contract with a service provider for full or part-time juvenile intake and probation officer services and the county shall indicate the percentage of the contractors' time that is spent providing juvenile intake and probation officer services for the county. The county or the contractor shall be reimbursed for one-half (½) of the portion of the salary that is used for such services up to fifteen thousand dollars (\$15,000).

"(e) Nothing in this section removes the obligation for each juvenile judge to have a minimum of one (1) intake officer, pursuant to § 16-13-328 and one (1) probation officer, pursuant to § 16-13-327.

"The provisions of this section shall be in effect only from July 1, 2001 through June 30, 2003."

Publisher's Notes. The language set forth in Acts 2001, No. 351, § 2 is nearly identical to the language in this section. Because the amendment is temporary, it was not incorporated into this section at the direction of the Arkansas Code Revision Commission and the Arkansas General Assembly.

Arkansas Supreme Court Administrative Order Number 14, referred to in this section, is published in the Arkansas Code of 1987 Annotated's annual Court Rules volume immediately preceding the Rules of Appellate Procedure — Civil.

SUBCHAPTER 4 — EXCHANGE OF CASES

SECTION.

16-13-401. [Repealed.]

16-13-402. [Repealed.]

16-13-401. [Repealed.]

Publisher's Notes. This section, concerning transfer of cases between circuit and chancery courts, was repealed by Acts 2003, No. 1185, § 85. The section was derived from Acts 1885, No. 106, § 12, p.

SECTION.

16-13-403 — 16-13-405. [Repealed.]

171; 1891, No. 156, § 9, p. 266; 1893, No. 9, § 9, p. 12; 1897 (Ex. Sess.), No. 37, § 9, p. 90; C. & M. Dig., § 2185; Pope's Dig., § 2794; A.S.A. 1947, § 22-405.

16-13-402. [Repealed.]

Publisher's Notes. This section, concerning exchange or substitution upon judge's request, temporary or special judges and proceedings, was repealed by

Acts 2003, No. 1185, § 86. The section was derived from Acts 1961, No. 135, §§ 1-5; A.S.A. 1947, §§ 22-342 — 22-346.

16-13-403 — 16-13-405. [Repealed.]

Publisher's Notes. These sections, concerning exchange of districts, powers and authority of exchange judges, and authority of exchange judges to sign papers in either district, were repealed by Acts 2003, No. 1185, § 87. The sections were derived from the following sources:

16-13-403. Acts 1881, No. 68, § 1, p. 134; C. & M. Dig., § 2224; Acts 1933, No.

160, § 1; Pope's Dig., § 2852; A.S.A. 1947, § 22-340; Acts 1992 (1st Ex. Sess.), No. 51, § 1.

16-13-404. Civil Code, § 758; Acts 1871, No. 48, § 1 [758], p. 219; C. & M. Dig., § 2225; Acts 1933, No. 160, § 2; Pope's Dig., § 2853; A.S.A. 1947, § 22-341.

16-13-405. Acts 1963, No. 239, § 1; A.S.A. 1947, § 22-341.1.

SUBCHAPTER 5 — COURT REPORTERS

SECTION.

16-13-501. Court reporters made state employees.

16-13-502. [Repealed.]

16-13-503. Appointment — Compensation — Leave.

16-13-504. Initial annual salary of court reporters — Salary implementation procedures.

16-13-505. Court reporters — Reimbursement for expenses.

16-13-506. Court reporters — Transcript fees.

SECTION.

16-13-507. Liability for loss of records.

16-13-508. Court Reporter's Fund established.

16-13-509. Substitute court reporters.

16-13-510. Complete record required — Waiver.

16-13-511. [Repealed.]

16-13-512. Funding of official court reporters.

A.C.R.C. Notes. Acts 2010, No. 167, § 3, provided: "TRANSCRIPTS. Official Court Reporters shall prepare transcripts, which are to be included within a record

on appeal, pursuant to the time requirements that are outlined in the Arkansas Supreme Court Rules. In the event an official Court Reporter fails to complete a

transcript within the prescribed time, he or she shall immediately inform the judge, for whom he or she is employed, and the Arkansas Board of Certified Court Reporter Examiners. Failure of a Court Reporter to report to his or her judge and to the Arkansas Board of Certified Court Reporter Examiners shall result in the immediate suspension of the Court Reporter's license, pending a hearing before the Arkansas Board of Certified Court Reporter Examiners."

Effective Dates. Acts 1981 (Ex. Sess.), No. 16, § 1: Nov. 25, 1981. Emergency clause provided: "It is hereby found and determined that some of the provisions of Act 824 of 1981, which provides that the official court reporters of the circuit and chancery courts in the State are state employees, and provide for the levy and collection of additional court costs to pay the salaries and expenses of reporters, are vague and difficult to interpret, and that it is essential to the effective and efficient administration of justice that this Act be given effect immediately to clarify the law relating to court reporters. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1981 (Ex. Sess.), No. 27, § 5: Dec. 1, 1981. Emergency clause provided: "It is hereby found and determined by the Seventy-Third General Assembly, meeting in Extraordinary Session, that the passage of this Act is necessary for continued efficient operation of the circuit and chancery courts and to pay authorized salaries for the official court reporters. Therefore, an emergency is hereby declared to exist and this Act, being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after the date of its passage and approval."

Acts 1983, No. 868, § 4: Mar. 28, 1983. Emergency clause provided: "It is hereby found and determined by the General Assembly that since court reporters are now State employees, indigent defendants should be provided a free transcript without the necessity of paying additional fees to the court reporters, and that this Act is immediately necessary to so provide. Therefore, an emergency is hereby declared to exist and this Act being immedi-

ately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1987, No. 581, § 2: Apr. 4, 1987. Emergency clause provided: "It is hereby found and determined by the General Assembly that the compensation to court reporters, of the circuit, chancery, and probate courts, for making transcripts of court proceedings is inadequate, and that this Act is immediately necessary to provide adequate compensation. Therefore, an emergency is hereby declared to exist and this Act, being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1989, No. 677, § 4: Mar. 20, 1989. Emergency clause provided: "It is hereby found and determined by the General Assembly that the inability of judges on assignment and the Arkansas Judicial Department to employ substitute court reporters is creating an urgent and immediate problem in the court system of this state, and that the immediate passage of this act is necessary to insure there is an orderly and efficient administration of justice in the state. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health, and safety shall be in full force and effect from and after its passage and approval."

Acts 1997, No. 788, § 36: became law without the Governor's signature. Noted Mar. 11, 1997. Effective July 1, 1997. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the effectiveness of this act on July 1, 1997 is essential to the operation of the state court system, and that in the event of an extension of the Regular Session, the delay in the effective date of this act beyond July 1, 1997 could work irreparable harm upon the proper administration and provision of essential governmental progress. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety, shall be in full force and effect from and after July 1, 1997."

Acts 1997, No. 1341, § 35: became law without the Governor's signature. Noted Apr. 11, 1997. Effective July 1, 1997.

Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the effectiveness of this act on July 1, 1997 is essential to the operation of the state court system, and that in the event of an extension of the Regular Session, the delay in the effective date of this act beyond July 1,

1997 could work irreparable harm upon the proper administration and provision of essential governmental progress. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety, shall be in full force and effect from and after July 1, 1997."

16-13-501. Court reporters made state employees.

The official court reporters of the circuit courts in this state are employees of the State of Arkansas. The court reporters shall be subject to, and their compensation shall be determined in accordance with, the provisions of the Uniform Classification and Compensation Act, § 21-5-201 et seq., and all laws amendatory thereto.

History. Acts 1981 (Ex. Sess.), No. 16, § 5; A.S.A. 1947, § 22-366.3.

16-13-502. [Repealed.]

Publisher's Notes. This section, concerning employment of court reporters, was repealed by Acts 2003, No. 1185,

§ 88. The section was derived from Acts 1977, No. 432, § 5; A.S.A. 1947, § 22-366.

16-13-503. Appointment — Compensation — Leave.

(a) Each judge of each circuit court may appoint one (1) or more court reporters as may be authorized by law.

(b)(1) The salaries of the reporters shall be prescribed by the General Assembly in accordance with the Uniform Classification and Compensation Act, § 21-5-201 et seq.

(2) The salaries, together with such expenses as may be authorized by law for the court reporters to be paid from state funds, shall be paid with moneys appropriated therefor by the General Assembly from the Court Reporter's Fund.

(c) The official court reporters of the circuit courts in the state shall be subject to, and their attendance and leave time shall be governed by, the Uniform Attendance and Leave Policy Act, § 21-4-201 et seq. However, the judge of the court served by each reporter shall have the authority and responsibility to administer the Uniform Attendance and Leave Policy Act, § 21-4-201 et seq., as applied to the respective court reporters.

(d)(1) Rules for the regulation of the practice of court reporting in this state, including, but not limited to, certification, discipline, and provisions for the retention of court reporter records, shall be the responsibility of the Supreme Court.

(2) Provided, however, that nothing in this subsection shall permit the Supreme Court to require that counties or county officials provide space for the storage of court reporter records.

History. Acts 1981 (Ex. Sess.), No. 16, § 5; A.S.A. 1947, § 22-366.3; Acts 1995, No. 743, § 1; 2003, No. 1363, § 1.

A.C.R.C. Notes. As enacted by the General Assembly, Acts 2003, No. 1363, § 1, provided in part: "(d)(2) The person employed in the position paid through the

Court Reporters' Fund and who is assigned and providing services as the coordinator of the Post Adjudication Court of the Ninth Division of the Sixth Judicial Circuit is not required to be certified as a court reporter as provided in subsection (d)(1)."

CASE NOTES

Cited: *Jacobs v. State*, 321 Ark. 561, 906 S.W.2d 670 (1995).

16-13-504. Initial annual salary of court reporters — Salary implementation procedures.

(a) All court reporters appointed after March 28, 1983, shall receive an initial annual salary not to exceed that salary provided for in Step 1 of Grade 19 of the Uniform Classification and Compensation Plan unless the Legislative Council approves entrance at a greater salary, but in no instance shall court reporters enter at an annual salary greater than that provided in Step 5 of Grade 19.

(b) The following salary implementation procedures shall apply to all court reporters who were official court reporters in the state on June 30, 1981:

(1) The beginning compensation of persons first appointed to a position of court reporter after June 30, 1981, shall not be made at greater than the first, or entrance, step unless a special entrance rate is requested through and approved by the Office of Personnel Management of the Division of Administrative Services of the Department of Finance and Administration with the advice of the Legislative Council;

(2) All subsequent step increases granted to court reporters shall be in conformance with the schedule provided in the compensation plan;

(3) Increase eligibility dates shall be determined from the dates of initial employment by the state:

(A) For those court reporters who are official court reporters in the state on June 30, 1981, the increase eligibility date shall be July 1, 1982.

(B) For those court reporters who are appointed after June 30, 1981, the increase eligibility date shall be determined by the date of appointment.

History. Acts 1981 (Ex. Sess.), No. 27, § 1; 1983, No. 868, § 1; A.S.A. 1947, §§ 22-366.4, 22-367.5; Acts 2003, No. 1185, § 89.

A.C.R.C. Notes. The reference to the

Uniform Classification and Compensation Plan in (a) refers to the "Uniform Classification and Compensation Act", § 21-5-201 et seq., which was partially amended by Acts 2009, No. 688, effective July 1,

2009. All career service plans for state agencies and institutions were reclassified within §§ 21-5-208 and 21-5-209.

Publisher's Notes. Acts 1981 (Ex. Sess.), No. 27, § 1, provided, in part, ef-

fective January 1, 1982, for the compensation of court reporters who were official court reporters in the state on June 30, 1981.

16-13-505. Court reporters — Reimbursement for expenses.

(a)(1) The official court reporters of the respective circuit courts shall be entitled to reimbursement for actual expenses incurred for meals, lodging, and transportation costs for attending court away from a reporter's official station.

(2) If the reporter uses a personal vehicle for transportation, he or she shall be entitled to reimbursement for mileage at the rate prescribed for state employees in the state travel regulations.

(b) Reimbursements for expenses shall be made monthly by the Auditor of State upon claims by the respective court reporters certified by the circuit judge.

History. Acts 1981 (Ex. Sess.), No. 16, § 6; 1985, No. 63, § 1; A.S.A. 1947, § 22-367.3; Acts 2003, No. 1185, § 89; 2005, No. 461, § 2.

Publisher's Notes. Acts 1981 (Ex. Sess.), No. 16, § 6, is also codified as § 16-14-107.

Amendments. The 2005 amendment deleted the former last sentence in (a), which read: "However, no court reporter shall be entitled to receive reimbursement for such meals, lodging, and transportation in excess of four thousand five hundred dollars (\$4,500) per year."

16-13-506. Court reporters — Transcript fees.

(a)(1) When required to make a transcript of court proceedings, each court reporter of the circuit courts shall be entitled to compensation at the rate of four dollars and ten cents (\$4.10) per page for the original and two (2) copies and at the rate of fifty cents (50¢) per page for each additional copy.

(2) When required to prepare photocopied evidence as part of a transcript, each reporter shall be entitled to compensation at the rate of one dollar and fifty cents (\$1.50) per page, for an original and two (2) copies and at the rate of fifty cents (50¢) per page for each additional copy thereafter, with the cost to be paid by the parties ordering transcripts.

(b)(1)(A) In indigent and in forma pauperis proceedings, the compensation to the court reporter for transcripts provided for in subsection (a) of this section shall be paid by the State of Arkansas.

(B) However, in such proceedings, the court reporters shall be entitled to compensation from the state only for the original and two (2) copies of the transcript.

(2) The payments shall be made only upon certification thereof by the presiding judge and shall be paid by the Auditor of State from funds appropriated out of the Court Reporter's Fund.

History. Acts 1981 (Ex. Sess.), No. 16, § 7; 1983, No. 868, § 2; A.S.A. 1947, § 22-367.4; Acts 1987, No. 581, § 1; 2003, No. 1185, § 90; 2005, No. 461, § 2.

Publisher's Notes. Acts 1981 (Ex. Sess.), No. 16, § 7, as amended is also codified as § 16-14-106.

Amendments. The 2005 amendment substituted "four dollars and ten cents (\$4.10)" for "three dollars and ten cents (\$3.10)" in (a)(1).

16-13-507. Liability for loss of records.

Court reporters shall not be liable, criminally or civilly, for the unintentional loss, damage, or destruction of their official records which are more than five (5) years old.

History. Acts 1981, No. 154, § 1; A.S.A. 1947, § 22-366.2.

16-13-508. Court Reporter's Fund established.

There is created on the books of the Auditor of State, Treasurer of State, and Chief Fiscal Officer of the State a fund to be known as the Court Reporter's Fund which fund shall be used exclusively for paying such salaries, transcript fees, and expenses of court reporters as may be provided by law to be paid from state funds.

History. Acts 1981 (Ex. Sess.), No. 16, § 4; A.S.A. 1947, § 22-157.

Cross References. Court Reporter's Fund, § 19-5-1082.

16-13-509. Substitute court reporters.

(a)(1) In the absence or unavailability of the official court reporter, the circuit judge or judge on assignment as authorized by § 16-10-101 is authorized to temporarily employ the services of a substitute court reporter if the temporary employment is necessary and essential to prevent a disruption of the business of the court.

(2) The substitute court reporter shall be a reporter duly certified by the Arkansas Supreme Court Board of Certified Court Reporter Examiners.

(b)(1) Whenever a circuit judge or judge on assignment temporarily employs a substitute court reporter, the judge may certify to the Auditor of State, upon forms prepared by the Auditor of State, that he or she has temporarily employed the services of a substitute court reporter and that the temporary employment was necessary and essential to prevent a disruption of the business of his or her court.

(2) The judge shall further furnish to the Auditor of State the name, address, and social security number of the substitute court reporter and the number of days the substitute court reporter was temporarily employed, plus any other information concerning the employment requested by the Auditor of State.

(c)(1) The Auditor of State is authorized to pay the substitute court reporter for the court reporting services furnished to the circuit judge from funds specifically appropriated for that purpose.

(2) The substitute court reporter will be paid at the rate of one hundred seventy-five dollars (\$175) per day.

(d) If any trial court administrative assistant employed pursuant to § 16-10-133 and also certified pursuant to subsection (a) of this section is authorized and appointed to act temporarily as a substitute court reporter, he or she shall not be entitled to be paid an additional salary, but shall be entitled to reimbursement for actual expenses incurred for meals, lodging, and transportation costs when attending court away from his or her official station, consistent with § 16-13-505.

(e) In any one (1) fiscal year, however, the Auditor of State will not pay for the services of a substitute court reporter or substitute court reporters for any one (1) circuit judge or judge on assignment in excess of twenty (20) working days, unless approved and ordered by the Chief Justice of the Arkansas Supreme Court.

(f) Nothing contained in this section shall be construed to preclude or prohibit any circuit judge from obtaining payment for the services of a substitute court reporter from the county or counties comprising the judge's judicial district rather than from the Auditor of State.

History. Acts 1987, No. 373, §§ 1-4; 1989, No. 677, § 1; 1989, No. 762, § 1; 1997, No. 1169, § 1; 2001, No. 510, § 1; 2005, No. 461, § 3.

Amendments. The 2005 amendment deleted "or chancery judge" at the end of

(c)(1); and substituted "the rate of one hundred and seventy-five dollars (\$175) per day" for "a daily rate, based upon the daily pay rate of the court reporter for whom he or she is substituting" in (c)(2).

16-13-510. Complete record required — Waiver.

(a) In all cases before a circuit court of this state, a complete record of the proceedings shall be made by the official court reporter, or other reporter designated by the court. Upon the request of either party or the circuit judge, said record shall be transcribed, certified by the reporter as true and correct, and filed with the clerk of the court in which the proceedings were had, not less than ten (10) days before the expiration of time allowed for appeal.

(b) Nothing contained in this section shall prevent the parties, with the permission of the circuit court, from waiving a complete record of the proceeding.

(c) The court reporter's duty to transcribe and certify the record may be conditioned upon the payment, when requested by the court reporter, of up to fifty percent (50%) of the estimated cost of the transcript.

History. Acts 1989, No. 844, §§ 1, 2; 1993, No. 812, § 1.

CASE NOTES

ANALYSIS

Child Custody.
Harmless Error.
Notice of Appeal.
Silence Not Waiver.

Child Custody.

The clear and unambiguous language of the statute does not allow anything less than a complete record of the proceedings to be made and this requirement cannot be waived; thus, a record must be made of in-camera interviews in matters of child custody. *Mattocks v. Mattocks*, 66 Ark. App. 77, 986 S.W.2d 890 (1999).

Harmless Error.

Although the trial court's failure to make a verbatim record of the in-chambers conference was error, it was not reversible error since the record was settled by the trial court. *Smith v. State*, 324 Ark. 74, 918 S.W.2d 714 (1996).

Notice of Appeal.

Failure to lodge the record was due to the dilatory actions of the husband's attorney, because while the notice of appeal

stated that the attorney had ordered the transcript, it was apparent that she failed to provide the court reporter with a copy of the notice of appeal or otherwise inform court reporter that she needed the transcript until just before the original deadline to lodge the record. *Eggstein v. Eggstein*, 2009 Ark. 262, — S.W.3d — (2009).

Silence Not Waiver.

Because the state and the defense did not waive their right to a verbatim record, the trial court's failure to make a verbatim record of the in-chambers conferences on the defendant's directed-verdict motion was error; although the state voiced no objection to the trial court's handling of the directed-verdict motion in this manner, the Supreme Court of Arkansas would not construe the state's silence on the issue at trial as implying a waiver of this requirement and warned that in the future the record requirement would be strictly construed and enforced. *Robinson v. State*, 353 Ark. 372, 108 S.W.3d 622 (2003).

Cited: *Valley v. Bogard*, 341 Ark. 302, 20 S.W.3d 271 (2000).

16-13-511. [Repealed.]

Publisher's Notes. This section, concerning transfer of funds to the court reporters' fund from county aid fund to pay salaries and expenses, was repealed

by Acts 1997, No. 788, § 31 and No. 1341, § 30. The section was derived from Acts 1991, No. 479, § 1.

16-13-512. Funding of official court reporters.

(a) The state, rather than individual counties, shall bear the responsibility of funding the salaries and expenses of official state court reporters.

(b) Each county or counties within a judicial district shall continue to bear the responsibility of providing, at the county's expense, each official court reporter with appropriate office space and operating expenses, when approved in advance by the quorum court.

History. Acts 1997, No. 788, § 30; 601. 1997, No. 1341, § 29.

Cross References. Legislative intent of Acts 1997, Nos. 788 and 1341, § 16-10-

Transition to state funding, § 16-87-301.

SUBCHAPTER 6 — JUVENILE DIVISION OF CHANCERY COURT

SECTION.

16-13-601, 16-13-602. [Repealed.]
16-13-603. [Repealed.]

SECTION.

16-13-604 — 16-13-607. [Repealed.]
16-13-608. [Repealed.]

16-13-601, 16-13-602. [Repealed.]

Publisher's Notes. These sections, concerning legislative intent and creation of the Juvenile Division of the Chancery Court, were repealed by Acts 2003, No.

1185, § 91. The sections were derived from the following sources:

16-13-601. Acts 1989, No. 294, § 1.
16-13-602. Acts 1989, No. 294, § 2.

16-13-603. [Repealed.]

Publisher's Notes. This section, concerning jurisdiction of the Juvenile Division of the Chancery Court, was repealed

by Acts 2003, No. 1185, § 92. The section was derived from Acts 1989, No. 294, §§ 2, 5, 7; 1995, No. 1016, § 2.

16-13-604 — 16-13-607. [Repealed.]

Publisher's Notes. These sections, concerning judges and clerks of the Juvenile Division of the Chancery Court, were repealed by Acts 2003, No. 1185, § 93. These sections were derived from the following source:

16-13-604. Acts 1989, No. 294, § 3.
16-13-605. Acts 1989, No. 294, § 3.
16-13-606. Acts 1989, No. 294, §§ 3, 4.
16-13-607. Acts 1989, No. 294, § 6.

16-13-608. [Repealed.]

Publisher's Notes. This section, concerning transfer of dockets and records, etc, was repealed by Acts 1995, No. 1296,

§ 59. The section was derived from Acts 1989, No. 294, § 6.

SUBCHAPTER 7 — ENFORCEMENT OF FINES

SECTION.

16-13-701. Scope. [Effective until January 1, 2012.]
16-13-701. Scope. [Effective January 1, 2012.]
16-13-702. Immediate payment.
16-13-703. Imprisonment.
16-13-704. Installment payments. [Effective until January 1, 2012.]
16-13-704. Installment payments. [Effective January 1, 2012.]
16-13-705. Personal checks.
16-13-706. Credit or debit card payments.
16-13-707. Lien on property.
16-13-708. Revocation of registration or license.

SECTION.

16-13-709. Responsibility for collection. [Effective until January 1, 2012.]
16-13-709. Responsibility for collection. [Effective January 1, 2012.]
16-13-710. Automated collection procedures. [Effective until January 1, 2012.]
16-13-710. Automated collection procedures. [Effective January 1, 2012.]
16-13-711. Form of orders.
16-13-712. Judicial Fine Collection Enhancement Fund.

A.C.R.C. Notes. Section 19 of Amendment 80 to the Arkansas Constitution provided that all municipal courts were to become district courts on January 1, 2005, and that they should assume the jurisdiction previously vested in municipal courts, police courts, justice of the peace courts, and courts of common pleas. Those

courts were abolished by the amendment. City courts were to continue, but if abolished by the governing body of the city or by the General Assembly, the jurisdiction of the city court would then vest in the nearest district court.

Effective Dates. Acts 2007, No. 663, § 56: Jan. 1, 2012.

16-13-701. Scope. [Effective until January 1, 2012.]

(a) The procedures established by this subchapter shall apply to the assessment and collection of all monetary fines, however designated, imposed by circuit courts, district courts, or city courts for criminal convictions, traffic convictions, civil violations, and juvenile delinquency adjudications and shall be utilized to obtain prompt and full payment of all such fines.

(b) For purposes of this subchapter, the term “fine” or “fines” means all monetary penalties imposed by the courts of this state, which include fines, court costs, restitution, probation fees, and public service work supervisory fees.

History. Acts 1995, No. 1262, § 1; 1997, No. 941, § 1; 2001, No. 1809, § 12; 2003, No. 1765, § 8; 2005, No. 1934, § 6.

Publisher’s Notes. For text of section effective January 1, 2012, see the following version.

Amendments. The 2005 amendment

substituted “or city courts” for “city courts, or police courts” in (a).

Cross References. City courts generally, § 16-96-101 et seq.

District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

16-13-701. Scope. [Effective January 1, 2012.]

(a) The procedures established by this subchapter shall apply to the assessment and collection of all monetary fines, however designated, imposed by circuit courts and district courts for criminal convictions, traffic convictions, civil violations, and juvenile delinquency adjudications and shall be utilized to obtain prompt and full payment of all such fines.

(b) For purposes of this subchapter, the term “fine” or “fines” means all monetary penalties imposed by the courts of this state, which include fines, court costs, restitution, probation fees, and public service work supervisory fees.

History. Acts 1995, No. 1262, § 1; 1997, No. 941, § 1; 2001, No. 1809, § 12; 2003, No. 1765, § 8; 2005, No. 1934, § 6; 2007, No. 663, § 31.

Publisher’s Notes. For text of section effective until January 1, 2012, see the preceding version.

Amendments. The 2007 amendment,

in (a), deleted “or city courts” following “district courts” and made a related change.

Cross References. City courts generally, § 16-96-101 et seq.

District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of

2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-13-702. Immediate payment.

(a)(1) When a court has imposed a fine, as described in § 16-13-701, the imposition of such a fine constitutes an order to pay the full amount of the fine in accordance with this subchapter.

(2) Following imposition of the fine, the court shall inform the defendant that full payment of the fine is due immediately and shall inquire of the defendant what arrangements he or she has made to comply with the court's order to pay the fine.

(3) Without utilizing the provisions of § 16-13-704, the court may allow the defendant a period of time, not to extend beyond the time of the close of the clerk's office on the following day, within which to return to the court and tender payment of the fine.

(4)(A)(i) If the defendant fails to appear as directed, the court shall issue an order of arrest.

(ii) The arrest order shall be carried out by the sheriff.

(B) The court may also, upon the defendant's failure to appear, utilize any of the enforcement mechanisms authorized by this subchapter.

(5)(A) If the defendant claims an inability to pay the fine, the court shall inquire into the defendant's ability to pay and shall make a determination of the defendant's financial ability to pay the fine.

(B) If the court finds that the defendant has the financial ability to make immediate payment of the fine in full, the court shall order him or her to pay the fine.

(C) Failure or refusal to pay as ordered by the court shall subject the defendant to imprisonment, as provided in § 16-13-703.

(b)(1) When a corporation is sentenced to pay a fine or costs, it is the duty of the person authorized to make disbursement from the assets of the corporation to pay the fine or costs.

(2) If such disbursements require approval of the board of directors, it is the duty of the board to authorize disbursements to pay the fine or costs.

(3) Failure to comply with the duties imposed by this subsection shall render the person or directors subject to imprisonment under § 16-13-703.

History. Acts 1995, No. 1262, §§ 2, 4.

CASE NOTES

Right to Appeal.

City could not rely on the application of this section to claim that defendants' appeal had to be dismissed for the failure of defendants to pay an appeal bond because, even though the court had the right

to order installment payments, nothing in this section authorizes a district court to demand payment of the fine as a prerequisite for taking an appeal to circuit court. *Velek v. State*, 364 Ark. 531, 222 S.W.3d 182 (2006).

16-13-703. Imprisonment.

(a) When a defendant sentenced to pay a fine defaults in the payment thereof, or of any installment, the court, upon its own motion or that of the prosecuting attorney, may require him or her to show cause why he or she should not be imprisoned for nonpayment.

(b) The court may issue a warrant of arrest or summons for his or her appearance.

(c)(1) Unless the defendant shows that his or her default was not attributable to a purposeful refusal to obey the sentence of the court or to a failure on his or her part to make a good-faith effort to obtain the funds required for payment, the court may order the defendant imprisoned in the county jail or other authorized institution designated by the court until the fine or specified part thereof is paid.

(2)(A) The period of imprisonment shall not exceed one (1) day for each forty dollars (\$40.00) of the fine, thirty (30) days if the fine was imposed upon conviction of a misdemeanor, or one (1) year if the fine was imposed upon conviction of a felony, whichever is the shorter period.

(B) The total amount of fines owed shall not automatically be reduced by the period of imprisonment, but the court may credit forty dollars (\$40.00) for each day of imprisonment against the total fine the defendant has been sentenced to pay.

(3) The provisions of this subsection shall be an addition to the revocation options contained in § 5-4-301 et seq.

(d) If the court determines that the default in payment of the fine is not attributable to the causes specified in subsection (c) of this section, the court may enter an order allowing the defendant additional time for payment, reducing the amount of each installment, or revoking the fine or the unpaid portion thereof in whole or in part.

History. Acts 1995, No. 1262, § 4;
2003, No. 1765, § 9.

CASE NOTES

ANALYSIS

Improper Judicial Conduct.
Right to Appeal.

Improper Judicial Conduct.

Finding that the judge be removed from office was appropriate, in part because he had contact with probationers when he collected money and such conduct did not pass the test for appearance of impropriety nor did this section cure the appearance of impropriety. A circuit court was not authorized to collect the fine itself and it was clear that the judge's collection of money from defendants in open court would create in reasonable minds a perception that his ability to carry out his

judicial responsibilities with integrity, impartiality, and competence was impaired. Ark. Judicial Discipline & Disability Comm'n v. Proctor, — Ark. —, — S.W.3d —, 2010 Ark. LEXIS 82 (Jan. 25, 2010).

Right to Appeal.

City could not rely on the application of this section to claim that defendants' appeal had to be dismissed for the failure of defendants to pay an appeal bond because, even though this section authorizes imprisonment for failure to pay a fine, nothing in it authorizes a district court to demand payment of the fine as a prerequisite for taking an appeal to circuit court. Velek v. State, 364 Ark. 531, 222 S.W.3d 182 (2006).

16-13-704. Installment payments. [Effective until January 1, 2012.]

(a)(1) If the court concludes that the defendant has the ability to pay the fine but that requiring the defendant to make immediate payment in full would cause a severe and undue hardship for the defendant and the defendant's dependents, the court may authorize payment of the fine by means of installment payments in accordance with this subchapter.

(2)(A) When a court authorizes payment of a fine by means of installment payments, it shall issue, without a separate disclosure hearing, an order that the fine be paid in full by a date certain and that in default of payment, the defendant must appear in court to explain the failure to pay.

(B) In fixing the date of payment, the court shall issue an order that will complete payment of the fine as promptly as possible without creating a severe and undue hardship for the defendant and the defendant's dependents.

(b)(1)(A) In addition to the fine and any other assessments authorized by this subchapter, an installment fee of five dollars (\$5.00) per month shall be assessed on the first day of each month on each person who is authorized to pay a fine on an installment basis.

(B) This fee shall be collected in full each month in which a defendant makes an installment payment.

(C) This fee shall accrue each month that a defendant does not make an installment payment and the fine has not been paid in full.

(2)(A)(i) One-half (½) of the installment fee collected in circuit court shall be remitted by the tenth day of each month to the Administration of Justice Funds Section of the Office of Administrative Services of the Department of Finance and Administration, on a form provided

by that office, for deposit in the Judicial Fine Collection Enhancement Fund, established by § 16-13-712.

(ii) The other half of the installment fee shall be remitted by the tenth day of each month to the county treasurer to be deposited into a fund entitled the circuit court automation fund to be used solely for circuit court-related technology.

(B)(i) Expenditures from the circuit court automation fund shall be approved by the administrative circuit judge of each judicial circuit and shall be authorized and paid under the state laws governing the appropriation and payment of county expenditures. Expenditures may be made for indirect expenses related to implementation of new court-related technology, including overtime pay, personnel or travel expenses, and technology-related supplies.

(ii) Funds in each county in a judicial circuit may be pooled for expenditure pursuant to a circuitwide technology plan approved by the administrative circuit judge.

(3)(A) One-half ($\frac{1}{2}$) of the installment fee collected in district court or city court shall be remitted by the tenth day of each month to the Administration of Justice Funds Section on a form provided by that office, for deposit into the Judicial Fine Collection Enhancement Fund established by § 16-13-712.

(B)(i) The other half of the installment fee collected in district court shall be remitted by the tenth day of each month to the city treasurer of the city in which the district court is located to be deposited into a fund entitled the district court automation fund to be used solely for district court-related technology.

(ii) The other half of the installment fee collected in city court shall be remitted by the tenth day of each month to the treasurer of the city or town in which the city court is located to be deposited into a fund entitled the city court automation fund to be used solely for city court-related technology.

(C) In a district court that is funded solely by the county, the other half of this fee shall be remitted by the tenth day of each month to the county treasurer of the county in which the district court is located to be deposited into the district court automation fund to be used solely for district court-related technology.

(D)(i) Expenditures from the district court automation fund shall be approved by a district judge and shall be authorized and paid, under state laws governing the appropriation and payment of county or municipal expenditures, by the governing body or, if applicable, governing bodies that contribute to the expenses of a district court.

(ii) Expenditures may be made for indirect expenses related to implementation of new court-related technology, including overtime pay, personnel or travel expenses, and technology-related supplies.

(E)(i) Expenditures from the city court automation fund shall be approved by the city court judge and shall be authorized and paid under state laws governing the appropriation and payment of municipal expenditures by the governing body of the city or town in which the city court is located.

(ii) Expenditures may be made for indirect expenses related to implementation of new court-related technology, including overtime pay, personnel or travel expenses, and technology-related supplies.

(c) A defendant who has been authorized by the court to pay a fine by installments shall be considered to have irrevocably appointed the clerk of the court as his or her agent upon whom all papers affecting his or her liability may be served, and the clerk shall forthwith notify the defendant thereof by ordinary mail at his or her last known address.

(d) "Ability to pay" means that the resources of the defendant, including all available income and resources, are sufficient to pay the fine and provide the defendant and his or her dependents with a reasonable subsistence compatible with health and decency.

History. Acts 1995, No. 1262, § 3; 2001, No. 1809, § 13; 2003, No. 1185, § 94; 2003, No. 1765, § 10; 2005, No. 1934, § 7; 2009, No. 633, § 8.

Publisher's Notes. For text of section effective January 1, 2012, see the following version.

Amendments. The 2005 amendment added present (b)(1)(B), (b)(1)(C), (b)(2)(B), (b)(3)(B)(ii) and (b)(3)(D) and (b)(3)(E) and made related changes; inserted "circuit" twice in (b)(2)(A); substituted "16-13-712" for "6-13-712" in (b)(3)(A); in (b)(3)(B)(i), inserted "collected in district court" "of the city in which the district court is located" and "district" twice; and inserted "of the county in which the district court is located" in (b)(3)(C).

The 2009 amendment, in (b), inserted "on the first day of each month" in

(b)(1)(A), inserted "and shall be authorized ... technology related supplies" in (b)(2)(B)(i), deleted (b)(2)(B)(iii), which read: "All expenditures from the circuit court automation fund shall be authorized, pursuant to the county accounting law, by the quorum court," inserted (b)(3)(D)(ii) and (b)(2)(E)(ii), redesignated the remaining text of (b)(3)(D) and (b)(3)(E), and substituted "and paid, under state laws governing the appropriation and payment of county or municipal expenditures" for "pursuant to state accounting law" in (b)(31)(D)(i) and (b)(3)(E)(i); and made related and minor stylistic changes.

Effective Dates. Acts 2003, No. 1185, § 94; Jan. 1, 2005, by its own terms.

CASE NOTES

Right to Appeal.

City could not rely on the application of this section to claim that defendants' appeal had to be dismissed for the failure of defendants to pay an appeal bond because, even though the court had the right

to order installment payments, nothing in this section authorizes a district court to demand payment of the fine as a prerequisite for taking an appeal to circuit court. *Velek v. State*, 364 Ark. 531, 222 S.W.3d 182 (2006).

16-13-704. Installment payments. [Effective January 1, 2012.]

(a)(1) If the court concludes that the defendant has the ability to pay the fine, but that requiring the defendant to make immediate payment in full would cause a severe and undue hardship for the defendant and the defendant's dependents, the court may authorize payment of the fine by means of installment payments in accordance with this subchapter.

(2)(A) When a court authorizes payment of a fine by means of installment payments, it shall issue, without a separate disclosure

hearing, an order that the fine be paid in full by a date certain and that in default of payment, the defendant must appear in court to explain the failure to pay.

(B) In fixing the date of payment, the court shall issue an order which will complete payment of the fine as promptly as possible without creating a severe and undue hardship for the defendant and the defendant's dependents.

(b)(1)(A) In addition to the fine and any other assessments authorized by this subchapter, an installment fee of five dollars (\$5.00) per month shall be assessed on each person who is authorized to pay a fine on an installment basis.

(B) This fee shall be collected in full each month in which a defendant makes an installment payment.

(C) This fee shall accrue each month that a defendant does not make an installment payment and the fine has not been paid in full.

(2)(A)(i) One-half ($\frac{1}{2}$) of the installment fee collected in circuit court shall be remitted by the tenth day of each month to the Administration of Justice Funds Section of the Office of Administrative Services of the Department of Finance and Administration, on a form provided by that office, for deposit in the Judicial Fine Collection Enhancement Fund established by § 16-13-712.

(ii) The other half of the installment fee shall be remitted by the tenth day of each month to the county treasurer to be deposited in a fund entitled the circuit court automation fund to be used solely for circuit court-related technology.

(B)(i) Expenditures from the circuit court automation fund shall be approved by the administrative circuit judge of each judicial circuit.

(ii) Funds in each county in a judicial circuit may be pooled for expenditure pursuant to a circuit-wide technology plan approved by the administrative circuit judge.

(iii) All expenditures from the circuit court automation fund shall be authorized, pursuant to the county accounting law, by the quorum court.

(3)(A) One-half ($\frac{1}{2}$) of the installment fee collected in district court shall be remitted by the tenth day of each month to the Administration of Justice Funds Section, on a form provided by that section, for deposit in the Judicial Fine Collection Enhancement Fund established by § 16-13-712.

(B) The other half of the installment fee collected in district court shall be remitted by the tenth day of each month to the city treasurer of the city in which the district court is located to be deposited in a fund entitled the district court automation fund to be used solely for district court-related technology.

(C) In any district court which is funded solely by the county, the other half of this fee shall be remitted by the tenth day of each month to the county treasurer of the county in which the district court is located to be deposited in the district court automation fund to be used solely for district court-related technology.

(D) Expenditures from the district court automation fund shall be approved by a district judge and shall be authorized, pursuant to state accounting law, by the governing body or, if applicable, governing bodies which contribute to the expenses of a district court.

(c) Any defendant who has been authorized by the court to pay a fine by installments shall be considered to have irrevocably appointed the clerk of the court as his or her agent upon whom all papers affecting his or her liability may be served, and the clerk shall forthwith notify the defendant thereof by ordinary mail at his or her last known address.

(d) "Ability to pay" means that the resources of the defendant, including all available income and resources, are sufficient to pay the fine and provide the defendant and his or her dependents with a reasonable subsistence compatible with health and decency.

History. Acts 1995, No. 1262, § 3; 2001, No. 1809, § 13; 2003, No. 1185, § 94; 2003, No. 1765, § 10; 2005, No. 1934, § 7; 2007, No. 663, § 32.

Publisher's Notes. For text of section effective until January 1, 2012, see the preceding version.

Amendments. The 2007 amendment deleted "or city court" following "district court" in (b)(3)(A); deleted former (b)(3)(B)(ii) and (b)(3)(E); and made related changes.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

"(a) Sections 2 through 15 of this act are effective January 1, 2008.

"(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

"(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

"(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

"(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009."

CASE NOTES

Right to Appeal.

City could not rely on the application of this section to claim that defendants' appeal had to be dismissed for the failure of defendants to pay an appeal bond because, even though the court had the right

to order installment payments, nothing in this section authorizes a district court to demand payment of the fine as a prerequisite for taking an appeal to circuit court. *Velek v. State*, 364 Ark. 531, 222 S.W.3d 182 (2006).

16-13-705. Personal checks.

(a) The court shall accept personal checks drawn in the favor of a designated official, as provided in § 16-13-709, in payment of any fine or associated charge assessed by the court if the person issuing the check furnishes satisfactory proof of residence in this state and if the personal check is drawn on a banking institution located in this state.

(b)(1) If any personal check offered in payment pursuant to this section is returned without payment, for any reason, a reasonable charge for the returned check, not to exceed the actual costs incurred by the court or designated agency, may be imposed to recover processing and collection costs.

(2) This charge may be added to, and become part of, any underlying obligation.

(c) The acceptance of a personal check pursuant to this section constitutes payment of the obligation owed to the court to the extent of the amount of the check as of the date of acceptance when, but not before, the check is duly paid.

History. Acts 1995, No. 1262, § 5.

CASE NOTES

Right to Appeal.

City could not rely on the application of this section to claim that defendants' appeal had to be dismissed for the failure of defendants to pay an appeal bond because, even though the court had the right

to order installment payments, nothing in this section authorizes a district court to demand payment of the fine as a prerequisite for taking an appeal to circuit court. *Velek v. State*, 364 Ark. 531, 222 S.W.3d 182 (2006).

16-13-706. Credit or debit card payments.

(a) The court or the agency designated under § 16-13-709 or § 16-92-118 may accept payment of fines and associated costs by an approved credit card or debit card.

(b)(1) The court or designated agency may enter into contracts with credit card companies and pay those companies fees normally charged by those companies for allowing the court to accept their credit cards in payment as authorized by subsection (a) of this section.

(2) When the offender pays fines or court costs by an approved credit card or debit card, the court may assess the offender a service or convenience fee.

(c)(1) All courts are authorized to enroll for service with and accept payments from a third-party entity for the acceptance and collection of fines and associated costs with an approved credit card for which the third-party entity may charge the offender a service or convenience fee if the credit card company will allow the charge.

(2) The State of Arkansas or any of its political subdivisions shall not charge an access fee for electronic payments of a court-ordered fine paid through a third-party entity.

History. Acts 1995, No. 1262, § 6; 2003, No. 1765, § 11; 2009, No. 328, § 3; 2009, No. 782, § 2.

Amendments. The 2009 amendment by No. 328 inserted "card or debit" in (a)

and (b)(2); inserted "or § 16-92-188" in (a); and made minor stylistic changes.

The 2009 amendment by No. 782 rewrote (b)(2); and added (c).

CASE NOTES

Right to Appeal.

City could not rely on the application of this section to claim that defendants' appeal had to be dismissed for the failure of defendants to pay an appeal bond be-

cause, even though the court had the right to order installment payments, nothing in this section authorizes a district court to demand payment of the fine as a prerequisite for taking an appeal to circuit court.

Velek v. State, 364 Ark. 531, 222 S.W.3d 182 (2006).

16-13-707. Lien on property.

(a) When a defendant sentenced to pay a fine defaults in the payment thereof or of any installment, the fine may be collected by any means authorized for the enforcement of money judgments in civil actions.

(b) A judgment that the defendant pay a fine shall constitute a lien on the real and personal property of the defendant in the same manner and to the same extent as a money judgment in a civil action.

(c) A judgment entered by a district court shall not become a lien against real property unless a certified copy of the judgment, showing the name of the judgment debtor and the date and amount thereof, shall be filed in the office of the circuit clerk of the county in which the land is situated.

History. Acts 1995, No. 1262, § 7; 2001, No. 1809, § 14; 2003, No. 1765, § 12. *erally*, § 16-17-132. Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

Cross References. District court gen-

CASE NOTES

Right to Appeal.

City could not rely on the application of this section to claim that defendants' appeal had to be dismissed for the failure of defendants to pay an appeal bond because, even though the court could collect the fine by any means authorized for the

enforcement of money judgments in civil actions for the failure to pay a fine, nothing in this section authorizes the district court to demand payment of the fine as a prerequisite for taking an appeal to circuit court. *Velek v. State*, 364 Ark. 531, 222 S.W.3d 182 (2006).

16-13-708. Revocation of registration or license.

(a) The court may certify in writing to the Department of Finance and Administration that a debtor has failed to make satisfactory arrangements for the payment of fines and request the department to revoke, suspend, or refuse to renew the debtor's motor vehicle registration or driver's license.

(b) For driver's license revocation, the court must provide the department with the debtor's full name, social security number, and last known address.

(c) For motor vehicle registration revocation, the court must provide the department with the debtor's full name and the license plate number or vehicle identification number of the debtor's vehicle.

History. Acts 1995, No. 1262, § 8.

16-13-709. Responsibility for collection. [Effective until January 1, 2012.]

(a)(1)(A)(i) The quorum court of each county of the state shall designate a county official, agency, or department, which shall be primarily responsible for the collection of fines assessed in the circuit courts of this state.

(ii) All fines collected each month in circuit court by the designated county official, agency, or department shall be disbursed by the fifth working day of the following month to the appropriate county fund, state entity or state agency as provided by law, the county administration of justice fund, and the State Administration of Justice Fund.

(iii) The sheriff shall remain responsible for collecting bail or money deposited in lieu of bail on behalf of defendants discharged from incarceration pursuant to law in circuit court.

(B)(i) The quorum court may delegate the responsibility for the collection of delinquent fines assessed in circuit court to a private contractor.

(ii) The contractor may receive, under a written contract, a commission on delinquent fines collected for circuit court.

(C)(i) The commission agreed to be received by the private contractor shall be a portion of the total fine owed by a defendant.

(ii) The court shall credit the defendant with the gross amount remitted to the private contractor.

(iii) The private contractor shall remit the gross amounts collected to the county official, agency, or department designated under subdivision (a)(1)(A) of this section on at least a monthly basis.

(iv) Payment of the commission shall be through the county claims process.

(v) The county treasurer shall make a pro rata disbursement of the remaining fines to the appropriate county fund, state entity, or state agency as provided by law; the county administration of justice fund; and the State Administration of Justice Fund.

(2)(A)(i) The governing body or, if applicable, each governing body of a political subdivision which contributes to the expenses of a district court, or the governing body of the city in which a city court is located, shall designate a county or city official, agency, or department that shall be primarily responsible for the collection of fines assessed in the district courts, city courts, or police courts of this state.

(ii) All fines collected each month in district court or a department of district court by the designated county or city official, agency, or department shall be disbursed by the tenth working day of the following month under § 16-17-707.

(B) All fines collected each month in city courts by the designated city official, agency, or department shall be disbursed by the tenth working day of the following month to the general fund or other city fund, state agency, or state entity as provided by law; the city administration of justice fund; the county administration of justice fund; and the State Administration of Justice Fund.

(C) The chief of police of the town or city in which a district court or city court is located or the sheriff shall remain responsible for collecting bail or money deposited in lieu of bail on behalf of defendants discharged from incarceration under law in district court or city court.

(D)(i) The governing body or, if applicable and by mutual agreement, each governing body of a political subdivision which contributes to the expenses of a district court, or the governing body of the city in which a city court is located, may delegate the responsibility for the collection of delinquent fines assessed in district court or city court to a private contractor.

(ii) The contractor may receive under a written contract a commission on delinquent fines collected for district court or city court.

(iii) The commission agreed to be received by the private contractor shall be a portion of the total fine owed by a defendant.

(iv) The court shall credit the defendant with the gross amount remitted to the private contractor.

(v) The private contractor shall remit the gross amounts collected to the county or city official, agency, or department designated under subdivision (a)(2)(A) of this section on a monthly basis.

(vi) The commission expense shall be apportioned among each governing body of a political subdivision which contributes to the expenses of a district court in proportion to the gross amount of fines collected for that political subdivision.

(vii) Payment of the commission shall be according to accounting procedures prescribed by law.

(viii) Payment of the commission for city courts shall be made by the governing body of the city in which the court is located.

(ix) The remainder of fines received shall be disbursed pro rata under this section and §§ 14-44-108, 14-45-106, 16-10-209, 16-10-308, and 16-17-707.

(3) "Delinquent" means any fines assessed in the circuit courts, district courts, or city courts of this state which have not been paid as ordered for a period of ninety (90) days or three (3) payments, either consecutive or concurrent, since payment was ordered or since last partial payment was received.

(4) A copy of the ordinance making the designation shall be provided to the Administrative Office of the Courts.

(b)(1) If a private contractor is selected to collect delinquent fines, then to ensure the integrity of the court and to protect the county or city, the contractor shall register with the Secretary of State and shall file with the Secretary of State a surety bond or certificate of deposit.

(2) The amount of the surety bond or certificate of deposit shall be fifty thousand dollars (\$50,000).

(3) The county, city, or any person suffering damage by reason of the acts or omissions of the contractor may bring action on the bond for damages.

(4) A contractor shall be ineligible to provide such services if the owner, operator, partner, or employee has been convicted of a felony.

History. Acts 1995, No. 1262, § 9; 1997, No. 941, § 2; 1999, No. 1081, § 10; 2001, No. 1809, § 15; 2003, No. 1185, § 95; 2003, No. 1765, § 13; 2005, No. 1934, § 8; 2009, No. 633, § 9.

A.C.R.C. Notes. As amended in 2001, subdivision (a)(1)(A) provided: “on or before January 1, 2002.”

As amended in 2001, subdivision (a)(2)(A) provided: “on or before January 1, 2002.”

Pursuant to § 1-2-207, this section is set out as amended by Acts 2003, No. 1765, § 13. This section was also amended by Acts 2003, No. 1185, § 96, effective Jan. 1, 2005, amended (a)(2) to read as follows: “(2)(A) The quorum court of each county of the state or the governing body of the city in which the court is located, or both, on or before January 1 of each year, shall designate a county or city official, agency, department, or private contractor who shall be primarily responsible for the collection of fines assessed in the district courts or city courts of this state.

“(B)(i) In the event the quorum court or the governing body of the city in which the court is located, or both, delegates such responsibility to a private contractor, such contractor may receive, pursuant to state accounting laws, a portion agreed upon in advance by the quorum court or the governing body of the city in which the court is located, or both, as commission for the

collection of any and all delinquent fines assessed in the district courts or city courts of this state.

“(C) ‘Delinquent’ means any fines assessed in the circuit courts, district courts or city courts of this state which have not been paid as ordered for a period of ninety (90) days or three (3) payments, either consecutive or concurrent, since payment was ordered or since last partial payment was received.”

Publisher’s Notes. For text of section effective January 1, 2012, see the following version.

Amendments. The 2005 amendment added (a)(1)(A)(ii), (a)(1)(A)(iii), (a)(2)(A)(ii), (a)(2)(B) and (a)(2)(C) and made related changes; redesignated former (a)(2)(B) and (a)(2)(C)(i)-(vii) as present (a)(2)(D) and (a)(2)(B)(iii)-(ix); rewrote present (a)(1)(C)(v); deleted references to “police court” throughout this section, substituted “pro rata under this section and” for “under” in (a)(2)(D)(ix); and made minor stylistic changes.

The 2009 amendment, in (a)(2), inserted “or the sheriff” in (a)(2)(C), inserted “and by mutual agreement” in (a)(2)(D)(i), deleted “and 16-18-104” following “16-17-707” in (a)(2)(D)(ix), and made related and minor stylistic changes.

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

16-13-709. Responsibility for collection. [Effective January 1, 2012.]

(a)(1)(A)(i) The quorum court of each county of the state shall designate a county official, agency, or department which shall be primarily responsible for the collection of fines assessed in the circuit courts of this state.

(ii) All fines collected each month in circuit court by the designated county official, agency, or department shall be disbursed by the fifth working day of the following month to the State Administration of Justice Fund, the county administration of justice fund, and the appropriate county fund, state entity, or state agency as provided by law.

(iii) The sheriff shall remain responsible for collecting bail or money deposited in lieu of bail on behalf of defendants discharged from incarceration pursuant to law in circuit court.

(B)(i) The quorum court may delegate the responsibility for the collection of delinquent fines assessed in circuit court to a private contractor.

(ii) The contractor may receive, under a written contract, a commission on delinquent fines collected for circuit court.

(C)(i) The commission agreed to be received by the private contractor shall be a portion of the total fine owed by a defendant.

(ii) The court shall credit the defendant with the gross amount remitted to the private contractor.

(iii) The private contractor shall remit the gross amounts collected to the county official, agency, or department designated under subdivision (a)(1)(A) of this section on at least a monthly basis.

(iv) Payment of the commission shall be through the county claims process.

(v) The county treasurer shall make a pro rata disbursement of the remaining fines to the State Administration of Justice Fund, the county administration of justice fund, and the appropriate county fund, state entity, or state agency as provided by law.

(2)(A)(i) The governing body or, if applicable, each governing body of a political subdivision which contributes to the expenses of a district court shall designate a county, town, or city official, agency, or department who shall be primarily responsible for the collection of fines assessed in the district courts of this state.

(ii) All fines collected each month in district court or a department of district court by the designated county, town, or city official, agency, or department shall be disbursed by the tenth working day of the following month pursuant to § 16-17-707.

(B) The chief of police of the town or city in which a district court is located shall remain responsible for collecting bail or money deposited in lieu of bail on behalf of defendants discharged from incarceration pursuant to law in district court.

(C)(i) The governing body or, if applicable, each governing body of a political subdivision which contributes to the expenses of a district court may delegate the responsibility for the collection of delinquent fines assessed in district court to a private contractor.

(ii) The contractor may receive under a written contract a commission on delinquent fines collected for district court.

(iii) The commission agreed to be received by the private contractor shall be a portion of the total fine owed by a defendant.

(iv) The court shall credit the defendant with the gross amount remitted to the private contractor.

(v) The private contractor shall remit the gross amount collected to the county, town, or city official, agency, or department designated under subdivision (a)(2)(A) of this section on a monthly basis.

(vi) The commission expense shall be apportioned among each governing body of a political subdivision which contributes to the expenses of a district court in proportion to the gross amount of fines collected for that political subdivision.

(vii) Payment of the commission shall be according to accounting procedures prescribed by law.

(viii) The remainder of fines received shall be disbursed pro rata under this section and §§ 16-10-209, 16-10-308, and 16-17-707.

(3) “Delinquent” means any fines assessed in the circuit courts or district courts of this state which have not been paid as ordered for a period of ninety (90) days or three (3) payments, either consecutive or concurrent, since payment was ordered or since last partial payment was received.

(4) A copy of the ordinance making the designation shall be provided to the Administrative Office of the Courts.

(b)(1) If a private contractor is selected to collect delinquent fines, then to ensure the integrity of the court and to protect the county, town, or city, the contractor shall register with the Secretary of State and shall file with the Secretary of State a surety bond or certificate of deposit.

(2) The amount of the surety bond or certificate of deposit shall be fifty thousand dollars (\$50,000).

(3) The county, town, city, or any person suffering damage by reason of the acts or omissions of the contractor may bring action on the bond for damages.

(4) A contractor shall be ineligible to provide such services if the owner, operator, partner, or employee has been convicted of a felony.

History. Acts 1995, No. 1262, § 9; 1997, No. 941, § 2; 1999, No. 1081, § 10; 2001, No. 1809, § 15; 2003, No. 1185, § 95; 2003, No. 1765, § 13; 2005, No. 1934, § 8; 2007, No. 663, § 33.

Publisher’s Notes. For text of section effective until January 1, 2012, see the preceding version.

Amendments. The 2007 amendment inserted “town” preceding “or city” throughout the section; rewrote (a)(1)(A)(ii) and (a)(1)(C)(v); in (a)(2)(A)(i), deleted “or the governing body of the city in which a city court is located” following “district court” and “city courts, or police courts” preceding “of this state”; deleted former (a)(2)(B) and (a)(2)(C)(viii) and redesignated the remaining subsections accordingly; deleted “or city court” twice in (a)(2)(B) and once in (a)(2)(C)(i); deleted “or the governing body of the city in which a city court is located” following “district court” in (a)(2)(C)(i); added “of this section” in (a)(2)(C)(v); substituted “§§ 16-10-209, 16-10-308, and 16-17-707” for “§§ 14-44-108, 14-45-106, 16-10-209, 16-10-308, 16-17-707 and 16-18-104” in present (a)(2)(C)(viii); deleted “or city

courts” following “district courts” in (a)(3); and made related changes.

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-13-710. Automated collection procedures. [Effective until January 1, 2012.]

The Administrative Office of the Courts shall have the responsibility to assist circuit courts, district courts, and city courts in the assessment and collection of fines and the management and reporting of fine revenue.

History. Acts 1995, No. 1262, § 11; 2001, No. 1809, § 16; 2003, No. 1185, § 97; 2003, No. 1765, § 14. effective January 1, 2012, see the following version.

Publisher's Notes. For text of section effective until January 1, 2012, see the preceding version. **Effective Dates.** Acts 2003, No. 1185, § 97: Jan. 1, 2005, by its own terms.

16-13-710. Automated collection procedures. [Effective January 1, 2012.]

The Administrative Office of the Courts shall have the responsibility to assist circuit courts and district courts in the assessment and collection of fines and the management and reporting of fine revenue.

History. Acts 1995, No. 1262, § 11; 2001, No. 1809, § 16; 2003, No. 1185, § 97; 2003, No. 1765, § 14; 2007, No. 663, § 34.

Publisher's Notes. For text of section effective until January 1, 2012, see the preceding version.

Amendments. The 2007 amendment deleted "and city courts" following "district courts" and made a related change.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

"(a) Sections 2 through 15 of this act are effective January 1, 2008.

"(b) Sections 16 through 50 and 52

through 55 of this act are effective January 1, 2012.

"(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

"(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

"(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009."

16-13-711. Form of orders.

When an order assessing a fine or penalty is entered, information on the order shall include, but is not limited to, the defendant's name, current address, social security number, driver's license number, name and address of employment, amount of fine, and the agreed upon payment terms and conditions.

History. Acts 1995, No. 1262, § 10.

16-13-712. Judicial Fine Collection Enhancement Fund.

(a) There is hereby created on the books of the Treasurer of State the "Judicial Fine Collection Enhancement Fund", into which the time-payment fees established by § 16-13-704 shall be deposited.

(b)(1) From the revenues deposited into the fund, the Administrative Office of the Courts shall purchase computer hardware to make

available to entities designated in § 16-13-709 and responsible for fine collection in each county in order to assist with the assessment, collection, and reporting of fines.

(2) The Administrative Office of the Courts shall also purchase or develop computer software to provide for the uniform assessment, collection, management, and reporting of fines.

History. Acts 1995, No. 1262, § 11.

SUBCHAPTER 8 — [RESERVED.]

SUBCHAPTER 9 — FIRST JUDICIAL CIRCUIT

SECTION.

16-13-901. Composition.

16-13-902. Terms of court.

16-13-903. Judges and chancellors.

16-13-904. Additional judgeship. [Referred to Arkansas Judicial Council for approval.]

SECTION.

16-13-905. Approval by Arkansas Judicial Council. [Referred to Arkansas Judicial Council for approval.]

A.C.R.C. Notes. Acts 2001, No. 951, § 1, provided: "First Judicial Circuit.

"(a) The circuit judgeship which is currently designated as Circuit Division 1 and presently held by L.T. Simes, II shall be known and designated as Circuit Court, Division 1.

"(b) The circuit judgeship which is currently designated as Circuit Division 2 and presently held by Harvey Yates shall be known and designated as Circuit Court, Division 2.

"(c) The chancery judgeship which is currently designated as Chancery Division 1 and presently held by Bentley Story shall be known and designated as Circuit Court, Division 3.

"(d) The chancery judgeship which is currently designated as Chancery Division 2 and presently held by Kathleen Bell shall be known and designated as Circuit Court, Division 4.

"(e) The circuit-chancery judgeship which is currently designated as the Juvenile Division and presently held by Baird Kinney shall be known and designated as Circuit Court, Division 5."

Acts 2001, No. 951, § 29, provided: "The word 'Division' as used in this act shall refer only to the designation of the judicial positions for election purposes and does not refer to 'subject matter divisions' pur-

suant to Amendment 80, Section 6 of the Arkansas Constitution."

Acts 2001, No. 951, § 30, provided: "Should any additional circuit judgeships be created in a judicial circuit, there shall be created within that judicial circuit, an additional Division which shall be numbered sequentially and the judge appointed or elected thereto shall serve as the judge of the additional Division."

Effective Dates. Acts 1893, No. 56, § 12: effective on passage.

Acts 1911, No. 138, § 10: Aug. 1, 1911.

Acts 1921, No. 3, § 5: effective on passage. Emergency declared. Approved Jan. 20, 1921.

Acts 1955, No. 74, § 3: July 1, 1955.

Acts 1967, No. 12, § 4: Jan. 26, 1967. Emergency clause provided: "The General Assembly of the State of Arkansas hereby finds and determines that the matters affected by this Act have a direct relation to the smooth, efficient and timely administration of justice in the counties affected, and that in order for the judges of the courts so affected to properly schedule their case loads for the terms of Court established by this Act, it is necessary that this Act become effective immediately. Therefore, an emergency is hereby found and declared to exist, and this Act being necessary for the immediate preser-

vation of the public peace, health and safety shall take effect and be in full force from and after the date of its passage and approval."

Acts 1967, No. 56, §§ 3, 4: July 1, 1967. Emergency clause provided: "There is a possibility that the 66th General Assembly will be extended, in which event considerable confusion could evolve concerning the effective date of legislation which does not contain an emergency clause. Therefore, an emergency is hereby declared and this act shall be in effect from and after the date of passage." Approved Feb. 9, 1967.

Acts 1979, No. 556, § 8: Mar. 23, 1979. Emergency clause provided: "It is hereby found and determined by the General Assembly that since the redistricting of the circuit and chancery courts in the State, the dates set for the beginning of terms of the circuit courts of the various counties comprising the First Circuit-Chancery Court Circuit are not appropriate and the beginning term dates in some of the counties in such circuit are in conflict with the beginning term dates of other counties in such circuit; that it is essential to the effective and efficient administration of

justice in the First Circuit-Chancery Court Circuit that dates be prescribed by law for the commencement of the terms of the circuit courts in all counties comprising the First Circuit-Chancery Court Circuit; that this Act is designed to establish such dates and should be given effect immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1989, No. 949, § 8: Mar. 27, 1989. Emergency clause provided: "It is hereby found and determined by the General Assembly that the juvenile division of chancery court is to be created to replace the juvenile court system provided for in Act 14 of 1987 and that the immediate passage of this Act is necessary to insure that there is an orderly and efficient administration of the juvenile justice system of this state. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

16-13-901. Composition.

The First Judicial Circuit shall be composed of the counties of Cross, Lee, Monroe, Phillips, St. Francis, and Woodruff.

History. Acts 1977, No. 432, § 1; A.S.A. 1947, § 22-365.

CASE NOTES

Cited: *Beaumont v. Adkisson*, 267 Ark. 511, 593 S.W.2d 11 (1980).

16-13-902. Terms of court.

(a)(1) The terms of court of the Circuit Court of Cross County in the First Judicial District shall commence on the fourth Monday in January.

(2) The term of court shall be for one (1) year.

(3) Grand and petit juries will serve for a period in accordance with Arkansas law.

(b)(1) The terms of court of the Circuit Court of Woodruff County in the First Judicial District shall commence on the second Monday in January.

(2) The term of court shall be for one (1) year.

(3) Grand and petit juries will serve for a period in accordance with Arkansas law.

(c)(1) The terms of court of the Circuit Court of Monroe County in the First Judicial District shall commence on the third Monday in January.

(2) The term of court shall be for one (1) year.

(3) Grand and petit juries will serve for a period in accordance with Arkansas law.

(d) The terms of court of the Circuit Court of St. Francis County in the First Judicial District shall commence on the first Monday in January.

(e)(1) The terms of court of the Circuit Court of Lee County in the First Judicial District shall commence on the first Monday in February.

(2) The term of court shall be for one (1) year.

(3) Grand and petit juries will serve for a period in accordance with Arkansas law.

(f)(1) The terms of court of the Circuit Court of Phillips County in the First Judicial District shall commence on the second Monday in February.

(2) The term of court shall be for one (1) year.

(3) Grand and petit juries will serve for a period in accordance with Arkansas law.

(g) The terms of court in this section may be amended or modified by agreement of all circuit judges in the First Judicial District.

History. Acts 1891, No. 62, § 2, p. 110; 1893, No. 56, § 4, p. 84; 1911, No. 138, § 8; 1921, No. 3, § 3; 1943, No. 85, § 1; 1953, No. 318, § 1; 1955, No. 74, § 1; 1965, No. 505, § 8; 1967, No. 12, § 1; 1967, No. 56, § 1; 1979, No. 556, §§ 1-6; A.S.A. 1947, §§ 22-310, 22-310n; Acts 2009, No. 489, § 1.

Amendments. The 2009 amendment rewrote (a) through (f), and added (g).

CASE NOTES

Cited: *Bradley v. State*, 213 Ark. 927, 213 S.W.2d 901 (1948); *Gentry v. Jett*, 173 F. Supp. 722 (W.D. Ark. 1959); *Midwest Timber Prods. Co. v. Self*, 230 Ark. 872, 327 S.W.2d 730 (1959); *Fitzwater v. Harris*, 231 Ark. 173, 328 S.W.2d 501 (1959); *Hammond v. Kirby*, 233 Ark. 560, 345 S.W.2d 910 (1961); *Central Cas. Co. v. State*, 233 Ark. 832, 349 S.W.2d 135 (1961); *Stewart v. Stephens*, 244 F. Supp. 982 (E.D. Ark. 1965); *Givens v. State*, 243 Ark. 16, 418 S.W.2d 629 (1967); *Fields v. State*, 246 Ark. 1249, 441 S.W.2d 803 (1969); *Thorne v. State*, 247 Ark. 346, 445

S.W.2d 481 (1969); *McDonald v. State*, 253 Ark. 23, 484 S.W.2d 345 (1972); *O'Neal v. State*, 253 Ark. 574, 487 S.W.2d 618 (1972); *Peek v. Meadors*, 255 Ark. 347, 500 S.W.2d 333 (1973); *Bakri v. State*, 261 Ark. 765, 551 S.W.2d 215 (1977); *Campbell v. State*, 264 Ark. 372, 571 S.W.2d 597 (1978); *Walker v. Lockhart*, 620 F.2d 683 (8th Cir. 1980); *Wright v. State*, 270 Ark. 78, 603 S.W.2d 408 (1980); *Anderson v. Hargraves*, 272 Ark. 259, 613 S.W.2d 587 (1981); *State v. Washington*, 273 Ark. 82, 617 S.W.2d 3 (1981); *Bosnick v. State*, 275 Ark. 52, 627 S.W.2d 23 (1982).

16-13-903. Judges and chancellors.

(a) The qualified electors of the First Judicial District shall elect:

- (1) Two (2) circuit judges;
- (2) Two (2) chancellors; and
- (3) One (1) circuit-chancery judge.

(b)(1) Each judge of the judgeship created by subdivision (a)(3) of this section shall be the judge of the juvenile division of chancery court. The judge shall serve as judge of the juvenile division in lieu of the judge who would otherwise be designated as judge of the juvenile division of chancery court in the judicial district.

(2) The judge of the additional circuit-chancery judgeship created in subdivision (a)(3) of this section shall devote such time as may be required to perform the duties of judge of the juvenile division, which duties shall be the primary obligation of the judge, and shall sit as judge of the circuit, chancery, or probate court as time permits.

History. Acts 1977, No. 432, § 1; A.S.A. 1947, § 22-365; Acts 1989, No. 949, § 1.

A.C.R.C. Notes. Section 19 of Amendment 80 to the Arkansas Constitution provided that all sitting circuit, chancery, and circuit chancery judges at the time the amendment took effect were to continue in office as circuit judges and that circuit courts were to have jurisdiction of all matters previously dealt with by circuit, chancery, and probate courts, including juvenile matters.

Acts 1989, No. 949, § 1, provided, in part, that the judgeships created by that section shall be effective on and after August 1, 1989, and that the Governor shall appoint a person to serve in each position from August 1, 1989, through December 31, 1990.

The section further provided: "The qualified electors of the respective judicial circuits shall elect the additional circuit-chancery judges at the November, 1990, General Election to take office on January 1, 1991. The additional judges shall be in the same manner and shall satisfy the same qualifications for holding office and

shall receive the same salary, expenses and other allowances as provided by law for judges of circuit-chancery courts. The judges shall serve for elected terms of four (4) years."

Acts 1989, No. 949, § 3, provided: "In each judicial circuit in which an additional circuit-chancery judge is created pursuant to this Act, the county or counties located in the judicial circuit shall provide courtroom and office facilities and supplies required for the juvenile division of the chancery court of the county, which shall be paid out of the county treasury of the county or counties in the same manner as other demands against the county or counties, out of funds appropriated by the quorum court of the county or counties for such purposes."

Acts 1989, No. 949, § 5, provided: "In each judicial circuit in which an additional circuit-chancery judgeship is created pursuant to this Act, there shall be provided a court reporter whose salary shall be fixed and paid in the manner provided by law for court reporters of the circuit and chancery courts of this state."

CASE NOTES

Cited: *Beaumont v. Adkisson*, 267 Ark. 511, 593 S.W.2d 11 (1980).

16-13-904. Additional judgeship. [Referred to Arkansas Judicial Council for approval.]

(a) There is created in the First Judicial District an additional circuit judgeship which shall have jurisdiction in law, equity, and probate.

(b) As soon as possible after July 30, 1999, the Governor shall appoint a qualified person to temporarily fill the First Judicial District circuit judgeship created by subsection (a) of this section, and the appointed person shall serve until December 31, 2000, or until a successor has been elected and qualified, whichever occurs last.

(c)(1) The qualified electors of the district shall elect the additional circuit judge created by this section at the November 2000 general election to take office on January 1, 2001.

(2) The additional judge shall be elected from the district and shall satisfy the same qualifications for holding office and shall receive the same salary, expenses, and other allowances as provided by law for judges of the circuit courts.

(3) The judge shall serve for elected terms of four (4) years.

(d) The counties which compose the First Judicial District shall provide courtroom and office facilities and supplies for the judge of the circuit judgeship created by this section, which shall be paid out of the county treasuries in the same manner as other demands against the counties, out of funds appropriated by the respective quorum courts of the counties for such purposes.

(e) There shall be provided for the judge of the circuit judgeship created by this section a court reporter and a trial court administrative assistant whose salaries shall be fixed and paid in the manner provided by law for court reporters and trial court administrative assistants of the circuit courts of this state.

(f) The Attorney General shall, if it is determined to be necessary, present the provisions of this section to the United States District Court for the Eastern District of Arkansas pursuant to the decision in *Eugene Hunt, et al. v. State of Arkansas et al.*, No. PB-C-89-406.

History. Acts 1999, No. 1522, § 1.

406", referenced in (f), is an unpublished opinion.

A.C.R.C. Notes. "Eugene Hunt, et al. v. State of Arkansas et al., No. PB-C-89-

16-13-905. Approval by Arkansas Judicial Council. [Referred to Arkansas Judicial Council for approval.]

(a) The provisions of § 16-13-904 and this section shall be effective only if approved by the Arkansas Judicial Council which said approval shall be in writing to the chairs of the Senate and House Committees on Judiciary.

(b) The council is hereby directed to review the provisions of § 16-13-904 and this section together with all other acts passed and approved by the Eighty-second General Assembly regarding the division of, or the adding of judgeships to, the First Judicial District, and

approve the plan which the council determines to be the best solution to the problems facing the First Judicial District.

(c) If it is determined by the council that none of the acts passed regarding the First Judicial District is meritorious, then none of the acts should be approved by the council and none of the acts shall take effect even after passage and approval by the Eighty-second General Assembly.

History. Acts 1999, No. 1522, § 2.

SUBCHAPTER 10 — SECOND JUDICIAL CIRCUIT

SECTION.

16-13-1001. Composition.

16-13-1002. Terms of court — Adjournment — Recess.

16-13-1003. Judges and chancellors.

16-13-1004. Case coordinator.

SECTION.

16-13-1005. Additional judgeship.

16-13-1006. Additional judge — Facilities.

16-13-1007. Additional judge — Staff.

A.C.R.C. Notes. Section 19 of Amendment 80 to the Arkansas Constitution provided that all sitting circuit, chancery, and circuit chancery judges at the time the amendment took effect were to continue in office as circuit judges and that circuit courts were to have jurisdiction of all matters previously dealt with by circuit, chancery, and probate courts, including juvenile matters.

References to “this subchapter” in §§ 16-13-1001 to 16-13-1004 may not apply to § 16-13-1005, § 16-13-1006, or § 16-13-1007, which were enacted subsequently.

Acts 2001, No. 951, § 2, provided: “Second Judicial Circuit. (a) The chancery judgeship which is currently designated as Chancery Division 1 and presently held by Howard Templeton shall be known and designated as Circuit Court, Division 1.

“(b) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 2 and presently held by Graham Partlow shall be known and designated as Circuit Court, Division 2.

“(c) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 3 and presently held by David Burnett shall be known and designated as Circuit Court, Division 3.

“(d) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 4 and presently held by

Rice Van Ausdall shall be known and designated as Circuit Court, Division 4.

“(e) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 5 and presently held by Ralph Wilson, Jr. shall be known and designated as Circuit Court, Division 5.

“(f) The circuit judgeship which is currently designated as Circuit Division 6 and presently held by Victor Hill shall be known and designated as Circuit Court, Division 6.

“(g) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 7 and presently held by David Goodson shall be known and designated as Circuit Court, Division 7.

“(h) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 8 and presently held by John Fogleman shall be known and designated as Circuit Court, Division 8.

“(i) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 9 and presently held by David Laser shall be known and designated as Circuit Court, Division 9.”

Acts 2001, No. 951, § 29, provided: “The word ‘Division’ as used in this act shall refer only to the designation of the judicial positions for election purposes and does not refer to ‘subject matter divisions’ pursuant to Amendment 80, Section 6 of the Arkansas Constitution.”

Acts 2001, No. 951, § 30, provided: "Should any additional circuit judgeships be created in a judicial circuit, there shall be created within that judicial circuit, an additional Division which shall be numbered sequentially and the judge appointed or elected thereto shall serve as the judge of the additional Division."

Effective Dates. Acts 1911, No. 138, § 10: Aug. 1, 1911.

Acts 1927, No. 219, § 3: effective on passage.

Acts 1967, No. 12, § 4: Jan. 26, 1967. Emergency clause provided: "The General Assembly of the State of Arkansas hereby finds and determines that the matters affected by this Act have a direct relation to the smooth, efficient and timely administration of justice in the counties affected, and that in order for the judges of the courts so affected to properly schedule their case loads for the terms of Court established by this Act, it is necessary that this Act become effective immediately. Therefore, an emergency is hereby found and declared to exist, and this Act being necessary for the immediate preservation of the public peace, health and safety shall take effect and be in full force from and after the date of its passage and approval."

Acts 1981, No. 224, § 7 and 1981, No. 982, § 7: retroactive to Jan. 1, 1981. Emergency clauses provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that the caseload in the counties and districts of the Second Judicial Circuit has greatly increased in recent years; that there exists a disparity in the number of cases pending among the counties of the circuit; that the present statutory terms of circuit court are no longer adequate to effectively handle the caseload existing in the various counties and districts within the circuit; and that the circuit judges of the circuit should be given more discretion in scheduling court among the counties where the caseload is heaviest and thereby alleviate case backlog and provide a more efficient administration of justice. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect retroactive to January 1, 1981."

Acts 1989, No. 949, § 8: Mar. 27, 1989. Emergency clause provided: "It is hereby found and determined by the General Assembly that the juvenile division of chancery court is to be created to replace the juvenile court system provided for in Act 14 of 1987 and that the immediate passage of this Act is necessary to insure that there is an orderly and efficient administration of the juvenile justice system of this state. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1991, No. 94, § 7: Feb. 11, 1991. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the case load in the Second Judicial District requires the appointment of a case-coordinator for the District and that the immediate passage of this Act is necessary for the proper administration of justice. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1995, No. 471, § 5: Feb. 27, 1995. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that the separation of the courts of law and equity combined with the amount of travel required of judges in the Second Judicial District creates an inefficient system of justice which can be greatly improved and streamlined by converting the circuit judges of the Second Judicial District into circuit-chancery judges with jurisdiction in law, equity, and probate. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval."

Acts 1997, No. 311, § 5: Feb. 28, 1997. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the orderly, effective and efficient administration of justice is fostered by combining circuit and chancery jurisdiction since there generally exists a disparity in the number of cases pending before the circuit and chancery judges of the Second Judicial District,

and the ability to freely schedule and exchange cases among the judges will alleviate backlogs. Therefore an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

Acts 1997, No. 403, § 7: Mar. 10, 1997. Emergency clause provided: "It is hereby found and determined by the Eighty-First General Assembly of the State of Arkansas that the caseload of the Second Judicial District necessitates the appointment of an additional circuit-chancery judge immediately. Therefore, an emergency is hereby declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

Acts 2001, No. 1186, § 2: Mar. 29, 2001. Emergency clause provided: "It is hereby

found and determined by the Eighty-third General Assembly that the caseload of the Second Judicial District necessitates the appointment of an additional circuit judge. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

Acts 2007, No. 168, § 7: July 1, 2007. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the Judicial Resources Assessment Committee has reviewed the caseloads of the various judicial districts; that the caseloads of the Second Judicial District, the Nineteenth Judicial District-West, the Twentieth Judicial District, the Twenty-second Judicial District, and the Twenty-third Judicial District necessitate the appointment of an additional circuit judges; and that this act is necessary to ensure the smooth, efficient, and timely administration of justice in the counties affected. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2007."

16-13-1001. Composition.

The Second Judicial District shall be composed of the counties of Clay, Craighead, Crittenden, Greene, Mississippi, and Poinsett.

History. Acts 1977, No. 432, § 1; A.S.A. 1947, § 22-365.

CASE NOTES

Cited: *Beaumont v. Adkisson*, 267 Ark. 511, 593 S.W.2d 11 (1980).

16-13-1002. Terms of court — Adjournment — Recess.

(a)(1) The terms of the circuit courts of the counties and districts of the Second Judicial District shall commence at the times and places provided for below and shall run for a period of one (1) year:

(A)(i) In the Eastern District of Clay County: On the first Monday in January;

(ii) In the Western District of Clay County: On the third Monday in January;

(B)(i) In the Western District of Craighead County: On the first Monday in January;

(ii) In the Eastern District of Craighead County: On the third Monday in February;

(C)(i) In the Chickasawba District of Mississippi County: On the first Monday in January;

(ii) In the Osceola District of Mississippi County: On the fourth Monday in February;

(D) In Crittenden County: On the fourth Monday in January;

(E) In Greene County: On the second Monday in February; and

(F) In Poinsett County: On the fourth Monday in March.

(2) In the event any of the dates provided in this subsection should fall upon a legal holiday, the term shall commence on the next succeeding day.

(b) The circuit courts of the Second Judicial District shall always be open for the transaction of business on all matters over which they have jurisdiction, except on those days now excluded by law, if any.

(c) There shall be no final adjournments, but the circuit courts of the counties and districts of the district may adjourn from day to day as business within the district demands. Those adjournments shall be considered recesses and shall not prohibit the circuit courts from sitting at any time.

History. Acts 1891, No. 62, § 2, p. 110; 1891, No. 89, § 1, p. 158; 1911, No. 138, § 8, p. 110; 1927, No. 219, §§ 1, 2; 1949, No. 18, § 1; 1965, No. 505, § 8; 1967, No. 12, § 1; 1981, No. 224, §§ 1, 2; 1981, No. 982, §§ 1, 2; A.S.A. 1947, §§ 22-310, 22-310n.

CASE NOTES

Cited: *Bradley v. State*, 213 Ark. 927, 213 S.W.2d 901 (1948); *Gentry v. Jett*, 173 F. Supp. 722 (W.D. Ark. 1959); *Midwest Timber Prods. Co. v. Self*, 230 Ark. 872, 327 S.W.2d 730 (1959); *Fitzwater v. Harris*, 231 Ark. 173, 328 S.W.2d 501 (1959); *Hammond v. Kirby*, 233 Ark. 560, 345 S.W.2d 910 (1961); *Central Cas. Co. v. State*, 233 Ark. 832, 349 S.W.2d 135 (1961); *Stewart v. Stephens*, 244 F. Supp. 982 (E.D. Ark. 1965); *Givens v. State*, 243 Ark. 16, 418 S.W.2d 629 (1967); *Fields v. State*, 246 Ark. 1249, 441 S.W.2d 803

(1969); *Thorne v. State*, 247 Ark. 346, 445 S.W.2d 481 (1969); *McDonald v. State*, 253 Ark. 23, 484 S.W.2d 345 (1972); *O'Neal v. State*, 253 Ark. 574, 487 S.W.2d 618 (1972); *Peek v. Meadors*, 255 Ark. 347, 500 S.W.2d 333 (1973); *Bakri v. State*, 261 Ark. 765, 551 S.W.2d 215 (1977); *Campbell v. State*, 264 Ark. 372, 571 S.W.2d 597 (1978); *Walker v. Lockhart*, 620 F.2d 683 (8th Cir. 1980); *Wright v. State*, 270 Ark. 78, 603 S.W.2d 408 (1980); *Anderson v. Hargraves*, 272 Ark. 259, 613 S.W.2d 587 (1981); *State v. Washington*, 273 Ark. 82,

617 S.W.2d 3 (1981); *Bosnick v. State*, 275 Ark. 52, 627 S.W.2d 23 (1982).

16-13-1003. Judges and chancellors.

(a)(1) The qualified electors of the Second Judicial District shall elect:

- (A) Three (3) circuit judges;
- (B) Three (3) chancellors;
- (C) One (1) circuit-chancery judge; and
- (D) One (1) circuit-chancery judgeship.

(2)(A) There is created in the Second Judicial District an additional circuit judgeship which shall have jurisdiction in law, equity, probate, and juvenile matters.

(B)(i) The additional judge shall be elected from the district and shall satisfy the same qualifications for holding office and shall receive the same salary, expenses, and other allowances as provided by law for judges of the circuit courts.

(ii) The judge shall serve for elected terms of six (6) years.

(C) The counties which compose the Second Judicial District shall provide courtroom and office facilities and supplies for the judge of the circuit judgeship created by subdivision (a)(2)(A) of this section, which shall be paid out of the county treasuries in the same manner as other demands against the counties, out of funds appropriated by the respective quorum courts of the counties for such purposes.

(D) There shall be provided for the judge of the circuit judgeship created by subdivision (a)(2)(A) of this section a court reporter and a trial court administrative assistant whose salaries shall be fixed and paid in the manner provided by law for court reporters and trial court administrative assistants of the circuit courts of this state.

(b)(1) The judge of the judgeship created by subdivision (a)(1)(C) of this section shall be the judge of the juvenile division of chancery court. The judge shall serve as judge of the juvenile division in lieu of the judge who would otherwise be designated as judge of the juvenile division of chancery court in the judicial district.

(2) The judge of the additional circuit-chancery judgeship created in subdivision (a)(1)(C) of this section shall devote such time as may be required to perform the duties of judge of the juvenile division, which duties shall be the primary obligation of the judge, and shall sit as judge of the circuit, chancery, or probate court as time permits.

(3) The circuit-chancery judgeship created by subdivision (a)(1)(D) of this section shall primarily perform the duties of a judge of the juvenile division of chancery court and conduct hearings for the involuntary admission or commitment of persons to the Arkansas State Hospital or any other public or private hospital with a fully trained psychiatrist on the active or consultant staff and shall sit as judge of the circuit, chancery, and probate courts as time permits.

(c) Effective February 27, 1995, the subdistrict 2.2, division 2, and division 3 circuit judgeships shall become circuit-chancery judgeships which shall have jurisdiction in law, equity, and probate.

(d) All circuit judges and all chancery judges of the Second Judicial District which have not already been converted to circuit-chancery judges on February 28, 1997, shall be converted to circuit-chancery judges at the expiration of their present term of office, and, upon election, their successors shall have jurisdiction in law, equity, and probate.

(e)(1) Effective July 1, 2007, there is created in the Second Judicial District an additional circuit judgeship that shall have jurisdiction in law, equity, probate, and juvenile matters.

(2) The Governor shall appoint a qualified person who is a resident of the district to temporarily fill the Second Judicial District circuit judgeship created by subdivision (e)(1) of this section, and the appointed person shall serve until January 1, 2009, or until a successor has been elected and qualified.

(3)(A) The qualified electors of the district shall elect the additional circuit judge created by subdivision (e)(1) of this section at the 2008 preferential primary election to take office on January 1, 2009.

(B) The additional circuit judge shall be elected from the district, shall satisfy the same qualifications for holding office, and shall receive the same salary, expenses, and other allowances as provided by law for judges of the circuit courts.

(C) The circuit judge shall serve for elected terms of six (6) years.

(4) The counties that compose the Second Judicial District shall provide courtroom and office facilities and supplies for the judge of the circuit judgeship created by subdivision (e)(1) of this section, which shall be paid out of the county treasuries in the same manner as other demands against the counties and out of funds appropriated by the respective quorum courts of the counties for these purposes.

(5) There shall be provided for the judge of the circuit judgeship created by subdivision (e)(1) of this section a court reporter and a trial court administrative assistant whose salaries shall be fixed and paid in the manner provided by law for court reporters and trial court administrative assistants of the circuit courts of this state.

History. Acts 1977, No. 432, § 1; A.S.A. 1947, § 22-365; Acts 1989, No. 949, § 1; 1989 (3rd Ex. Sess.), No. 28, § 1; 1995, No. 471, § 1; 1997, No. 311, § 1; 2001, No. 1186, § 1; 2007, No. 168, § 2.

A.C.R.C. Notes. Acts 1989, No. 949, § 1, provided, in part, that the judgeships created by that section shall be effective on and after August 1, 1989, and that the Governor shall appoint a person to serve in each position from August 1, 1989, through December 31, 1990.

The section further provided: "The qualified electors of the respective judicial circuits shall elect the additional circuit-chancery judges at the November, 1990, General Election to take office on January

1, 1991. The additional judges shall be in the same manner and shall satisfy the same qualifications for holding office and shall receive the same salary, expenses and other allowances as provided by law for judges of circuit-chancery courts. The judges shall serve for elected terms of four (4) years."

Acts 1989, No. 949, § 3, provided: "In each judicial circuit in which an additional circuit-chancery judge is created pursuant to this Act, the county or counties located in the judicial circuit shall provide courtroom and office facilities and supplies required for the juvenile division of the chancery court of the county, which shall be paid out of the county treasury of

the county or counties in the same manner as other demands against the county or counties, out of funds appropriated by the quorum court of the county or counties for such purposes."

Acts 1989, No. 949, § 5, provided: "In each judicial circuit in which an additional circuit-chancery judgeship is created pursuant to this Act, there shall be provided a court reporter whose salary shall be fixed and paid in the manner provided by law for court reporters of the circuit and chancery courts of this state."

Acts 1989 (3rd Ex. Sess.), No. 28, § 1, provided, in part, that: "The qualified electors of the respective judicial circuits shall elect the additional circuit-chancery judges at the November, 1990, General Election to take office on January 1, 1991. The additional judges shall be elected in the same manner and shall satisfy the same qualifications for holding office and shall receive the same salary, expenses and other allowances as provided by law for judges of circuit-chancery courts. The judges shall serve for elected terms of four (4) years."

Acts 1989 (3rd Ex. Sess.), No. 28, § 1, also provided, in part, that: "As soon as possible after the effective date of this act, the Governor shall appoint a qualified person to temporarily fill the Second and Sixth Judicial District circuit-chancery judgeships created by this act, and such persons shall serve until December 31, 1990, or until their successors have been elected and qualified, whichever occurs last."

Acts 1989 (3rd Ex. Sess.), No. 28, § 2, provided: "In each judicial circuit in which an additional circuit-chancery judge is created pursuant to this Act, the county or counties located in the judicial circuit shall provide courtroom and office facilities and supplies, which shall be paid out of the county treasury of the county or counties in the same manner as other demands against the county or counties, out of funds appropriated by the quorum court of the county or counties for such purposes. Provided, however, that the additional judgeship for the Sixth Judicial District who is to conduct commitment hearings shall be provided courtroom and office facilities and supplies by the Arkan-

sas State Hospital located in Pulaski County."

Acts 1989 (3rd Ex. Sess.), No. 28, § 3, provided: "In each judicial circuit in which additional circuit-chancery judgeships are created pursuant to this Act, there shall be provided court reporters whose salary shall be fixed and paid in the manner provided by law for court reporters of the circuit and chancery courts of this state."

The judgeships referred to in subsection (c) are presumably the circuit judgeships created in subdivision (a)(1).

As originally amended in 2001, subdivision (a)(2)(A) began: "Effective July 1, 2001."

As originally amended in 2001, subdivision (a)(2) contained two additional sentences which read: "The Governor shall appoint a qualified person who is a resident of the district to temporarily fill the Second Judicial District circuit judgeship created by this subsection (e), and the appointed person shall serve until December 31, 2002, or until a successor has been elected and qualified, whichever occurs last. The qualified electors of the district shall elect the additional circuit judge created by this subsection (e), at the November 2002 general election to take office on January 1, 2003."

Acts 2007, No. 168, § 1, provided: "The Judicial Resources Assessment Committee has reviewed the caseloads of various judicial districts and has determined that to ensure the smooth, efficient, and timely administration of justice additional circuit judgeships are needed in the Second Judicial District, the Nineteenth Judicial District-West, the Twentieth Judicial District, the Twenty-second Judicial District, and the Twenty-third Judicial District. This act authorizes the establishment of five (5) additional circuit judgeships, articulates the applicable appointment and election process of the additional circuit judges, and identifies various resources that will be available."

In Acts 2007, No. 168, § 2, the term "2008 Nonpartisan Judicial General Election" should have been used in place of "2008 preferential primary election" Circuit judges are now elected on a nonpartisan basis pursuant to Arkansas Constitution, Amendment 80, § 17.

Amendments. The 2007 amendment added (e).

CASE NOTES

Cited: *Beaumont v. Adkisson*, 267 Ark. State, 328 Ark. 246, 942 S.W.2d 860 511, 593 S.W.2d 11 (1980); *Barnett v.* (1997).

16-13-1004. Case coordinator.

(a)(1) The judges of the chancery and probate courts for the Second Judicial District may appoint one (1) case coordinator for said judicial district for chancery and probate matters.

(2) The judges of the circuit court for the Second Judicial District may appoint one (1) case coordinator for said judicial district for circuit matters.

(b) The principal duties of the case coordinators shall be to maintain the court calendar, schedule dates for the trial of cases and for the hearing of motions, and other related and incidental duties at the direction of the judges.

(c)(1) Each case coordinator provided for in this section shall receive a salary of not less than twenty-one thousand five hundred dollars (\$21,500) nor more than twenty-five thousand dollars (\$25,000) per calendar year, which salary shall be prorated between the counties composing the Second Judicial District, based on the number of annual case filings in each of such counties.

(2) When the county quorum courts raise the salaries of county employees, they shall also raise salaries an equivalent amount for the case coordinators provided for in this section.

(d) The reasonable expenses accruing in the offices of the case coordinators shall be prorated among the counties comprising the district in the same manner as the salaries set forth above and be paid out of the county treasury.

History. Acts 1991, No. 94, §§ 1-3; 1993, No. 188, § 1.

CASE NOTES

Cited: *Villines v. Tucker*, 324 Ark. 13, 918 S.W.2d 153 (1996).

16-13-1005. Additional judgeship.

(a) Effective immediately upon passage and approval of this act, there is hereby created in the Second Judicial District an additional circuit-chancery judgeship, which shall have jurisdiction in law, equity, and probate.

(b) As soon as possible after March 10, 1997, the Governor shall appoint a qualified person to temporarily fill the Second Judicial District circuit-chancery judgeship created herein, and the appointed person shall serve until December 31, 1998, or until a successor has been elected and qualified, whichever occurs last.

(c) The qualified electors of the Second Judicial District shall elect the additional circuit-chancery judge created herein at the November 1998 general election to take office on January 1, 1999. The additional judge shall be elected at large and shall satisfy the same qualifications for holding office and shall receive the same salary, expenses, and other allowances as provided by law for judges of the circuit-chancery courts. The judge shall serve for elected terms of four (4) years.

(d) With the consideration of the creation of this judgeship, the General Assembly is aware of the requirements of the federal Voting Rights Act and the consent decree entered in *Eugene Hunt, et al. vs. State of Arkansas, et al.* After thorough review of the caseload statistics from the Second Judicial Circuit, the distribution of these cases between the various counties within the judicial circuit, the demographic makeup of the general voting age population and the licensed attorneys within the district, the recent decisions of the United States Supreme Court interpreting the requirements of the federal law, and based upon the recommendation of the Arkansas Judicial Council, the judgeship is to be elected in the manner and as specified in subsection (c) of this section.

History. Acts 1997, No. 403, § 1.

A.C.R.C. Notes. References to “this subchapter” in §§ 16-13-1001 — 16-13-1004 may not apply to this section which was enacted subsequently.

Publisher’s Notes. The case of *Hunt v. Arkansas*, No. PB-C-406 (Nov. 7, 1991), referred to in this section, is an unpublished opinion. Two cases which discuss the consent decree are *Caldwell v. State*, 322 Ark. 543, 910 S.W.2d 667 (1995) and *Kemp v. State*, 324 Ark. 178, 919 S.W.2d 943 (1996).

Meaning of “this act”. Acts 1997, No. 403, codified as §§ 16-13-1005 — 16-13-1007.

U.S. Code. The Voting Rights Act, referred to in this section, is codified as 42 U.S.C. § 1971 et seq.

Effective Dates. Acts 1997, No. 403, was signed by the Governor on March 10, 1997, and became effective pursuant to its emergency clause on March 10, 1997.

16-13-1006. Additional judge — Facilities.

The counties which comprise the Second Judicial District shall provide courtroom and office facilities and supplies for the judge of the circuit-chancery judgeship created by § 16-13-1005 which shall be paid out of the county treasuries in the same manner as other demands against the counties, out of funds appropriated by the respective quorum courts of the counties for such purposes.

History. Acts 1997, No. 403, § 2.

A.C.R.C. Notes. References to “this subchapter” in §§ 16-13-1001 — 16-13-

1004 may not apply to this section which was enacted subsequently.

16-13-1007. Additional judge — Staff.

There shall be provided for the judge of the circuit-chancery judgeship created by this subchapter a court reporter and a trial court administrative assistant whose salaries shall be fixed and paid in the

manner provided by law for court reporters and trial court administrative assistants of the circuit-chancery courts of this state.

History. Acts 1997, No. 403, § 3.

A.C.R.C. Notes. References to “this subchapter” in §§ 16-13-1001 — 16-13-

1004 may not apply to this section which was enacted subsequently.

SUBCHAPTER 11 — THIRD JUDICIAL CIRCUIT

SECTION.

16-13-1101. Composition.

16-13-1102. Terms of court.

SECTION.

16-13-1103. Judges and chancellors.

A.C.R.C. Notes. Acts 2001, No. 951, § 3, provided: “Third Judicial Circuit.

“(a) The circuit-chancery judgeship which is presently held by Harold Erwin shall be known and designated as Circuit Court, Division 1.

“(b) The chancery judgeship which is presently held by Tom L. Hilburn shall be known and designated as Circuit Court, Division 2.”

Acts 2001, No. 951, § 29, provided: “The word ‘Division’ as used in this act shall refer only to the designation of the judicial positions for election purposes and does not refer to ‘subject matter divisions’ pursuant to Amendment 80, Section 6 of the Arkansas Constitution.”

Acts 2001, No. 951, § 30, provided: “Should any additional circuit judgeships be created in a judicial circuit, there shall be created within that judicial circuit, an additional Division which shall be numbered sequentially and the judge appointed or elected thereto shall serve as the judge of the additional Division.”

Publisher’s Notes. As amended in 2001, subdivision (c)(1)(A) provided: “Ef-

fective immediately, there is created in the Third Judicial District an additional circuit-chancery judgeship, which shall have jurisdiction in law, equity, and probate.”

Effective Dates. Acts 1893, No. 39, § 22: effective 90 days after passage.

Acts 1895, No. 36, § 3: effective 60 days after passage.

Acts 2001, No. 114, § 2: Feb. 7, 2001. Emergency clause provided: “It is hereby found and determined by the Eighty-third General Assembly that the caseload of the Third Judicial District necessitates the appointment of an additional judge immediately. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto.”

16-13-1101. Composition.

The Third Judicial District shall be composed of the counties of Jackson, Lawrence, Randolph, and Sharp.

History. Acts 1977, No. 432, § 1; A.S.A. 1947, § 22-365.

CASE NOTES

Cited: *Beaumont v. Adkisson*, 267 Ark. 511, 593 S.W.2d 11 (1980).

16-13-1102. Terms of court.

The terms of court in each county in the Third Judicial District shall commence on the dates set forth below:

- (1) Jackson County: On the second Monday after the fourth Monday in August and the second Monday after the third Monday in January;
- (2)(A) In the Western District of Lawrence County: On the fourth Monday in August and the third Monday in January;
- (B) In the Eastern District of Lawrence County: On the sixth Monday after the fourth Monday in August and the seventh Monday after the third Monday in January;
- (3) Randolph County: On the third Mondays in January and July;
- (4) Sharp County: On the first Monday in January and the second Monday in July.

History. Acts 1891, No. 62, § 3, p. 110; 1933, No. 110, § 1; 1971, No. 459, § 1; 1893, No. 39, § 4, p. 56; 1895, No. 36, A.S.A. 1947, § 22-310. §§ 1, 2, p. 40; 1903, No. 99, § 1, p. 167;

CASE NOTES

Cited: *Bradley v. State*, 213 Ark. 927, 213 S.W.2d 901 (1948); *Gentry v. Jett*, 173 F. Supp. 722 (W.D. Ark. 1959); *Midwest Timber Prods. Co. v. Self*, 230 Ark. 872, 327 S.W.2d 730 (1959); *Fitzwater v. Harris*, 231 Ark. 173, 328 S.W.2d 501 (1959); *Hammond v. Kirby*, 233 Ark. 560, 345 S.W.2d 910 (1961); *Central Cas. Co. v. State*, 233 Ark. 832, 349 S.W.2d 135 (1961); *Stewart v. Stephens*, 244 F. Supp. 982 (E.D. Ark. 1965); *Givens v. State*, 243 Ark. 16, 418 S.W.2d 629 (1967); *Fields v. State*, 246 Ark. 1249, 441 S.W.2d 803 (1969); *Thorne v. State*, 247 Ark. 346, 445 S.W.2d 481 (1969); *McDonald v. State*, 253 Ark. 23, 484 S.W.2d 345 (1972); *O'Neal v. State*, 253 Ark. 574, 487 S.W.2d 618 (1972); *Peek v. Meadors*, 255 Ark. 347, 500 S.W.2d 333 (1973); *Bakri v. State*, 261 Ark. 765, 551 S.W.2d 215 (1977); *Campbell v. State*, 264 Ark. 372, 571 S.W.2d 597 (1978); *Walker v. Lockhart*, 620 F.2d 683 (8th Cir. 1980); *Wright v. State*, 270 Ark. 78, 603 S.W.2d 408 (1980); *Anderson v. Hargraves*, 272 Ark. 259, 613 S.W.2d 587 (1981); *State v. Washington*, 273 Ark. 82, 617 S.W.2d 3 (1981); *Bosnick v. State*, 275 Ark. 52, 627 S.W.2d 23 (1982).

16-13-1103. Judges and chancellors.

(a)(1) The qualified electors of the Third Judicial District shall elect one (1) circuit judge and one (1) chancellor.

(2) Effective July 1, 1999, the circuit judgeship created by subdivision (a)(1) of this section shall become a circuit-chancery judgeship and shall have jurisdiction in law, equity, and probate.

(b)(1) There is hereby created in the Third Judicial District an additional circuit-chancery judgeship which shall have jurisdiction in law, equity, and probate.

(2)(A) The additional judge shall be elected in the same manner and shall satisfy the same qualifications for holding office and shall

receive the same salary, expenses, and other allowances as provided by law for judges of the circuit-chancery courts.

(B) The judge shall serve for elected terms of four (4) years.

(3) The judge of the additional circuit-chancery judgeship created in subdivision (b)(1) of this section shall devote such time as may be required to perform the duties of judge of the juvenile division, which duties shall be the primary obligation of the judge, and shall sit as judge of the circuit, chancery, or probate court as time permits.

(c)(1)(A) There is created in the Third Judicial District an additional circuit-chancery judgeship, which shall have jurisdiction in law, equity, and probate.

(B) Pursuant to Arkansas Constitution, Amendment 80, the additional judgeship shall become a circuit judgeship on July 1, 2001.

(C) The judge shall serve for elected terms of six (6) years.

(2) The counties which compose the Third Judicial District shall provide courtroom and office facilities and supplies for the judge of the judgeship created by this subsection, which shall be paid out of the county treasuries in the same manner as other demands against the counties, out of funds appropriated by the respective quorum courts of the counties for such purposes.

(3) There shall be provided for the judge of the judgeship created by this subsection a court reporter and a trial court administrative assistant whose salaries shall be fixed and paid in the manner provided by law for court reporters and trial court administrative assistants of the circuit courts of this state.

History. Acts 1977, No. 432, § 1; A.S.A. 1947, § 22-365; Acts 1995, No. 582, § 2; 1999, No. 1355, § 1; 2001, No. 114, § 1.

A.C.R.C. Notes. Section 19 of Amendment 80 to the Arkansas Constitution provided that all sitting circuit, chancery, and circuit chancery judges at the time the amendment took effect were to continue in office as circuit judges and that circuit courts were to have jurisdiction of all matters previously dealt with by circuit, chancery, and probate courts, including juvenile matters.

As amended by Acts 1999, No. 1355, subdivision (b)(1) began: "Effective January 1, 2001."

As amended by Acts 1999, No. 1355, subdivision (b)(2) began with a sentence which read: "The qualified electors of the Third Judicial District shall elect the additional circuit-chancery judge created in subsection (c)(1) of this section at the November 2000 general election to take office on January 1, 2001."

The 2001 amendment added subsection (c) and as originally enacted, began "Effective immediately."

Acts 2001 No. 114 § 1, provided: "(2) The Governor shall appoint a qualified person who is a resident of the district to temporarily fill the Third Judicial District judgeship created by this subsection (c), and the appointed person shall serve until December 31, 2002, or until a successor has been elected and qualified, whichever occurs last.

"(3)(A) The qualified electors of the district shall elect the additional circuit judge, created by this subsection (c), at the November 2002 general election to take office on January 1, 2003.

"(3)(B) The additional judge shall be elected from the district and shall satisfy the same qualifications for holding office and shall receive the same salary, expenses, and other allowances as provided by law for judges of the circuit courts."

Publisher's Notes. Acts 1999, No. 1355, § 2, provided: "Notwithstanding the passage and approval of this act by the Eighty-Second General Assembly, its provisions shall be effective only when and if approved by the Judicial Resources Assessment Committee which said approval

shall be in writing to the chairmen of the Senate and House Judiciary Committees.”

CASE NOTES

Cited: *Beaumont v. Adkisson*, 267 Ark. 511, 593 S.W.2d 11 (1980).

SUBCHAPTER 12 — FOURTH JUDICIAL CIRCUIT

SECTION.

- 16-13-1201. Composition.
- 16-13-1202. Terms of court.
- 16-13-1203. Judges and chancellors.
- 16-13-1204. Secretary-court reporter-case coordinator.

SECTION.

- 16-13-1205. Additional judgeship.
- 16-13-1206. Additional judge — Facilities.
- 16-13-1207. Additional judge — Staff.
- 16-13-1208. Additional judgeship.

A.C.R.C. Notes. Section 19 of Amendment 80 to the Arkansas Constitution provided that all sitting circuit, chancery, and circuit chancery judges at the time the amendment took effect were to continue in office as circuit judges and that circuit courts were to have jurisdiction of all matters previously dealt with by circuit, chancery, and probate courts, including juvenile matters.

Acts 2001, No. 951, § 4, provided: “Fourth Judicial Circuit.

“(a) The circuit judgeship which is currently designated as Circuit Division 1 and presently held by William Storey shall be known and designated as Circuit Court, Division 1.

“(b) The circuit judgeship which is currently designated as Circuit Division 2 and presently held by Kim Smith shall be known and designated as Circuit Court, Division 2.

“(c) The chancery judgeship which is currently designated as Chancery Division 1 and presently held by Mike Mashburn shall be known and designated as Circuit Court, Division 5.

“(d) The chancery judgeship which is currently designated as Chancery Division 2 and presently held by Mark Lindsay shall be known and designated as Circuit Court, Division 6.

“(e) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 3 and presently held by Stacey Zimmerman shall be known and designated as Circuit Court, Division 3.

“(f) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 4 and presently held by Mary Ann Gunn shall be known and designated as Circuit Court, Division 4.”

Acts 2001, No. 951, § 29, provided: “The word ‘Division’ as used in this act shall refer only to the designation of the judicial positions for election purposes and does not refer to ‘subject matter divisions’ pursuant to Amendment 80, Section 6 of the Arkansas Constitution.”

Acts 2001, No. 951, § 30, provided: “Should any additional circuit judgeships be created in a judicial circuit, there shall be created within that judicial circuit, an additional Division which shall be numbered sequentially and the judge appointed or elected thereto shall serve as the judge of the additional Division.”

Effective Dates. Acts 1887, No. 38, § 10: effective on passage.

Acts 1989, No. 272, § 7: Mar. 1, 1989. Emergency clause provided: “It is hereby found and determined by the General Assembly that due to increased workload in the Fourth Judicial District and the financial pressures of inflation that the compensation now provided for the secretary-court reporter-case coordinators of the Fourth Judicial District is inadequate to compensate such secretary-court reporter-case coordinators for the additional workload and responsibilities, and that this act is immediately necessary to provide adequate compensation for such secretary-court reporter-case coordinators. Therefore, an emergency is hereby declared to

exist and this act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.”

Acts 1989, No. 949, § 8: Mar. 27, 1989. Emergency clause provided: “It is hereby found and determined by the General Assembly that the juvenile division of chancery court is to be created to replace the juvenile court system provided for in Act 14 of 1987 and that the immediate passage of this Act is necessary to insure that there is an orderly and efficient administration of the juvenile justice system of this state. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.”

Acts 1991, No. 975, § 5: Mar. 29, 1991. Emergency clause provided: “It is hereby found and determined by the General Assembly that due to an increased workload in the Fourth Judicial District and the financial pressures of inflation that the compensation now provided for the secretary-court reporter-case coordinators of the Fourth Judicial District is inadequate. Therefore, an emergency is declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety shall be in full

force and effect immediately from and after its passage and approval.”

Acts 1993, No. 570, § 5: Mar. 18, 1993. Emergency clause provided: “It is hereby found and determined by the General Assembly that due to an increased workload in the Fourth Judicial District and the financial pressures of inflation that the compensation now provided for the secretary-court reporter-case coordinators of the Fourth Judicial District is inadequate. Therefore, an emergency is declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect immediately from and after its passage and approval.”

Acts 1995, No. 636, § 5: became law without Governor’s signature. Noted Mar. 14, 1995. Emergency clause provided: “It is hereby found and determined by the General Assembly that due to an increased workload in the Fourth Judicial District and the financial pressures of inflation that the compensation now provided for the secretary-court reporter-case coordinators of the Fourth Judicial District is inadequate. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.”

16-13-1201. Composition.

The Fourth Judicial District shall be composed of the counties of Madison and Washington.

History. Acts 1977, No. 432, § 1; A.S.A. 1947, § 22-365.

CASE NOTES

Cited: *Beaumont v. Adkisson*, 267 Ark. 511, 593 S.W.2d 11 (1980).

16-13-1202. Terms of court.

The terms of court in each county in the Fourth Judicial District shall commence on the dates set forth below:

- (1) Washington County: On January 1, April 1, July 1, and October 1; and
- (2) Madison County: On the first Mondays in March and September.

History. Acts 1887, No. 38, §§ 3, 6, p. 47; 1887, No. 62, § 2, p. 88; 1967, No. 304, §§ 1-3; 1973, No. 814, § 1; A.S.A. 1947, § 22-310.

CASE NOTES

Cited: *Bradley v. State*, 213 Ark. 927, 213 S.W.2d 901 (1948); *Gentry v. Jett*, 173 F. Supp. 722 (W.D. Ark. 1959); *Midwest Timber Prods. Co. v. Self*, 230 Ark. 872, 327 S.W.2d 730 (1959); *Fitzwater v. Harris*, 231 Ark. 173, 328 S.W.2d 501 (1959); *Hammond v. Kirby*, 233 Ark. 560, 345 S.W.2d 910 (1961); *Central Cas. Co. v. State*, 233 Ark. 832, 349 S.W.2d 135 (1961); *Stewart v. Stephens*, 244 F. Supp. 982 (E.D. Ark. 1965); *Givens v. State*, 243 Ark. 16, 418 S.W.2d 629 (1967); *Fields v. State*, 246 Ark. 1249, 441 S.W.2d 803 (1969); *Thorne v. State*, 247 Ark. 346, 445

S.W.2d 481 (1969); *McDonald v. State*, 253 Ark. 23, 484 S.W.2d 345 (1972); *O'Neal v. State*, 253 Ark. 574, 487 S.W.2d 618 (1972); *Peek v. Meadors*, 255 Ark. 347, 500 S.W.2d 333 (1973); *Bakri v. State*, 261 Ark. 765, 551 S.W.2d 215 (1977); *Campbell v. State*, 264 Ark. 372, 571 S.W.2d 597 (1978); *Walker v. Lockhart*, 620 F.2d 683 (8th Cir. 1980); *Wright v. State*, 270 Ark. 78, 603 S.W.2d 408 (1980); *Anderson v. Hargraves*, 272 Ark. 259, 613 S.W.2d 587 (1981); *State v. Washington*, 273 Ark. 82, 617 S.W.2d 3 (1981); *Bosnick v. State*, 275 Ark. 52, 627 S.W.2d 23 (1982).

16-13-1203. Judges and chancellors.

(a) The qualified electors of the Fourth Judicial District shall elect:

- (1) Two (2) circuit judges;
- (2) Two (2) chancellors;
- (3) One (1) circuit-chancery judge.

(b)(1) Each judge of the judgeship created by subdivision (a)(3) of this section shall be the judge of the juvenile division of chancery court. The judge shall serve as judge of the juvenile division in lieu of the judge who would otherwise be designated as judge of the juvenile division of chancery court in the judicial district.

(2) The judge of the additional circuit-chancery judgeship created in subdivision (a)(3) of this section shall devote such time as may be required to perform the duties of judge of the juvenile division, which duties shall be the primary obligation of the judge, and shall sit as judge of the circuit, chancery, or probate court as time permits.

History. Acts 1977, No. 432, § 1; A.S.A. 1947, § 22-365; Acts 1989, No. 949, § 1.

A.C.R.C. Notes. Acts 1989, No. 949, § 1, provided, in part, that the judgeships created by that section shall be effective on and after August 1, 1989, and that the Governor shall appoint a person to serve in each position from August 1, 1989, through December 31, 1990.

The section further provided: "The qualified electors of the respective judicial circuits shall elect the additional circuit-chancery judges at the November, 1990, General Election to take office on January 1, 1991. The additional judges shall be in the same manner and shall satisfy the same qualifications for holding office and shall receive the same salary, expenses

and other allowances as provided by law for judges of circuit-chancery courts. The judges shall serve for elected terms of four (4) years."

Acts 1989, No. 949, § 3, provided: "In each judicial circuit in which an additional circuit-chancery judge is created pursuant to this Act, the county or counties located in the judicial circuit shall provide courtroom and office facilities and supplies required for the juvenile division of the chancery court of the county, which shall be paid out of the county treasury of the county or counties in the same manner as other demands against the county or counties, out of funds appropriated by the quorum court of the county or counties for such purposes."

Acts 1989, No. 949, § 5, provided: "In each judicial circuit in which an additional circuit-chancery judgeship is created pursuant to this Act, there shall be

provided a court reporter whose salary shall be fixed and paid in the manner provided by law for court reporters of the circuit and chancery courts of this state."

CASE NOTES

Construction.

This section and § 16-13-403 [repealed] are not conflicting. *Rowlins v. State*, 319 Ark. 323, 891 S.W.2d 56 (1995).

Cited: *Beaumont v. Adkisson*, 267 Ark. 511, 593 S.W.2d 11 (1980).

16-13-1204. Secretary-court reporter-case coordinator.

(a) The chancellors, circuit judges, and circuit-chancery judges of the Fourth Judicial District may each employ one (1) secretary-court reporter-case coordinator to perform such duties as may be assigned by the respective judges.

(b) The secretaries authorized by this section shall be appointed by the respective judges, shall be sworn officers of the court, and each shall hold office at the discretion of and during the term of the judge who appointed him or her, except that he or she may be dismissed for incompetency, neglect of duty, or misbehavior.

History. Acts 1989, No. 272, §§ 1-3; 1991, No. 975, § 1; 1993, No. 570, § 1; 1995, No. 636, § 1.

A.C.R.C. Notes. This section was amended by Acts 1991, Nos. 972 and 975; however, the amendments were irreconcilable. Acts 1993, No. 570, § 4 repealed the version of this section as amended by Acts 1991, No. 972.

Acts 1995, No. 636, § 1, also enacted subsections (c)-(e), which provided: "(c) The secretaries authorized by this section shall each be paid a salary for calendar year 1995 of twenty-three thousand four hundred ninety-five dollars (\$23,495) and an annual salary each year thereafter of twenty-four thousand four hundred fifty-eight dollars (\$24,458), payable by the counties comprising the Fourth Judicial District. The salaries shall be apportioned between the two (2) counties on the basis of the assessed value of property in the counties, which is determined to be ninety-three and one-half percent (93.5%)

for Washington County and six and one-half percent (6.5%) for Madison County, and in the following amounts:

| | 1995 | 1996 |
|-------------------|-------------|-------------|
| Washington County | \$21,967.00 | \$22,868.00 |
| Madison County | \$ 1,528.00 | \$ 1,590.00 |
| TOTAL | \$23,495.00 | \$24,458.00 |

"(d) The salaries shall be payable in twenty-six (26) equal installments by the paying offices of the respective counties.

"(e) The provisions of this section and the salaries prescribed herein shall be retroactive to January 1, 1995."

Publisher's Notes. Acts 1993, No. 570, § 1 provided, in part, that: "The provisions of this section and the salaries prescribed herein shall be retroactive to January 1, 1993."

Acts 1995, No. 636 became law without the Governor's signature.

CASE NOTES

Cited: *Villines v. Tucker*, 324 Ark. 13, 918 S.W.2d 153 (1996).

16-13-1205. Additional judgeship.

(a) Effective January 1, 1999, there is hereby created in the Fourth Judicial District an additional circuit-chancery judgeship, which shall have jurisdiction in law, equity, and probate.

(b) The qualified electors of the Fourth Judicial District shall elect the additional circuit-chancery judge created in subsection (a) of this section at the November 1998 general election to take office on January 1, 1999. The additional judge shall be elected in the same manner and shall satisfy the same qualifications for holding office and shall receive the same salary, expenses, and other allowances as provided by law for judges of the circuit-chancery courts. The judge shall serve for elected terms of four (4) years.

History. Acts 1997, No. 319, § 1.

A.C.R.C. Notes. Section 16-13-1205 should be merged with § 16-13-1203 for consistency and in conformity with Code

style. Pursuant to § 1-2-303, the Arkansas Code Revision Commission is unable to effect the merger.

16-13-1206. Additional judge — Facilities.

The counties which comprise the Fourth Judicial District shall provide the courtroom and office facilities and supplies for the judge of the circuit-chancery judgeship created by § 16-13-1205(a), which shall be paid out of the county treasuries in the same manner as other demands against the counties, out of funds appropriated by the respective quorum courts of the counties for such purposes.

History. Acts 1997, No. 319, § 2.

A.C.R.C. Notes. Section 16-13-1206 should be merged with § 16-13-1203 for consistency and in conformity with Code style. Pursuant to § 1-2-303, the Arkansas Code Revision Commission is unable

to effect the merger.

In this section “comprise” should be replaced by “compose,” but pursuant to § 1-2-303, the Arkansas Code Revision Commission is unable to effect the change.

16-13-1207. Additional judge — Staff.

There shall be provided for the judge of the circuit-chancery judgeship created by § 16-13-1205(a) a court reporter and a trial court administrative assistant whose salaries shall be fixed and paid in the manner provided by law for court reporters and trial court administrative assistants of the circuit-chancery courts of this state.

History. Acts 1997, No. 319, § 3

A.C.R.C. Notes. Section 16-13-1207 should be merged with § 16-13-1203 for consistency and in conformity with Code

style. Pursuant to § 1-2-303, the Arkansas Code Revision Commission is unable to effect the merger.

16-13-1208. Additional judgeship.

(a) There is created in the Fourth Judicial District an additional circuit judgeship.

(b) The qualified electors of the district shall elect the additional circuit judge created by subsection (a) of this section at the 2010 general election for nonpartisan judicial offices held on the same dates and at the same times and places as the preferential primary election to take office on January 1, 2011.

(c)(1) The additional circuit judge shall be elected from the district, shall satisfy the same qualifications for holding office, and shall receive the same salary, expenses, and other allowances as provided by law for judges of the circuit courts.

(2) The circuit judge shall serve for elected terms of six (6) years.

(d) The counties that compose the Fourth Judicial District shall provide courtroom and office facilities and supplies for the judge of the circuit judgeship created by subsection (a) of this section which shall be paid out of the county treasury in the same manner as other demands against the county and out of funds appropriated by the quorum court of the county for these purposes.

(e) There shall be provided for the judge of the circuit judgeship created by subsection (a) of this section a court reporter and a trial court administrative assistant whose salaries shall be fixed and paid in the manner provided by law for court reporters and trial court administrative assistants of the circuit courts of this state.

History. Acts 2009, No. 293, § 2.

A.C.R.C. Notes. Acts 2009, No. 293, § 1, provided: "The Judicial Resources Assessment Committee of the Arkansas Judicial Council has reviewed the case-loads of various judicial districts and has determined that to ensure the smooth, efficient, and timely administration of jus-

tice an additional circuit judgeship is needed in the Fourth Judicial District. This act authorizes the establishment of one (1) additional circuit judgeship, articulates the election process of the additional circuit judge, and identifies various resources that will be available."

SUBCHAPTER 13 — FIFTH JUDICIAL CIRCUIT

SECTION.

16-13-1301. Composition.

16-13-1302. Terms of court.

SECTION.

16-13-1303. Judges and chancellors.

16-13-1304. Case coordinator.

A.C.R.C. Notes. Acts 2001, No. 951, § 5, provided: "Fifth Judicial Circuit.

"(a) The circuit judgeship which is presently held by John S. Patterson shall be known and designated as Circuit Court, Division 1.

"(b) The chancery judgeship which is presently held by Richard Gardner shall be known and designated as Circuit Court, Division 2.

"(c) The circuit-chancery judgeship which is presently held by Ken Coker, Jr. shall be known and designated as Circuit Court, Division 3.

"(d) The circuit-chancery judgeship which is presently held by Dennis Sutterfield shall be known and designated as Circuit Court, Division 4."

Acts 2001, No. 951, § 29, provided: "The word 'Division' as used in this act shall refer only to the designation of the judicial positions for election purposes and does not refer to 'subject matter divisions' pursuant to Amendment 80, Section 6 of the Arkansas Constitution."

Acts 2001, No. 951, § 30, provided: "Should any additional circuit judgeships be created in a judicial circuit, there shall

be created within that judicial circuit, an additional Division which shall be numbered sequentially and the judge appointed or elected thereto shall serve as the judge of the additional Division."

Effective Dates. Acts 1889, No. 31, § 9: effective on passage.

Acts 1947, No. 120, § 4: approved Feb. 26, 1947. Emergency clause provided: "It is ascertained and hereby declared that an established time for holding circuit court being necessary for the functioning of our government, an emergency is hereby declared to exist. This act being necessary for the immediate preservation of the public peace, health and safety of the State of Arkansas, shall be in full force and effect from and after its passage."

Acts 1955, No. 146, § 3: July 1, 1955.

Acts 1965, No. 96, § 8: Feb. 23, 1965. Emergency clause provided: "It is hereby found and determined by the General Assembly of Arkansas that due to the large number of cases pending before the courts of the Fifth Judicial Circuit, there is an unusual and undesirable delay in the adjudication of the rights of parties involved in litigation in said courts; that this Act is immediately necessary to relieve said undesirable situation by providing for an additional Division of court and an additional judge to expedite the clearing of the dockets in said courts and thereby to expedite the administration in said Judicial Circuit. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety, shall be in effect from the date of its passage and approval."

Acts 1979, No. 317, § 4: Mar. 7, 1979. Emergency clause provided: "It is hereby found and determined by the General Assembly that, due to court redistricting effective January 1, 1979, there is confusion as to which law sets terms of court

and court personnel salaries and that this Act is immediately necessary to replace the obsolete law. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval."

Acts 1989, No. 949, § 8: Mar. 27, 1989. Emergency clause provided: "It is hereby found and determined by the General Assembly that the juvenile division of chancery court is to be created to replace the juvenile court system provided for in Act 14 of 1987 and that the immediate passage of this Act is necessary to insure that there is an orderly and efficient administration of the juvenile justice system of this state. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1995, No. 1246, § 5: became law without Governor's signature. Noted Apr. 12, 1995. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that the case load of the Fifth Judicial District is increasing significantly; that it is extremely important to retain qualified and experienced court personnel to assure the efficient and swift disposition of the work of the court; that the present salary of the personnel affected by this act is inadequate; that this act will adjust the salary to a more reasonable level; and that this act should be given effect immediately in order to eliminate the inequities as soon as possible. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval."

16-13-1301. Composition.

The Fifth Judicial District shall be composed of the counties of Franklin, Johnson, and Pope.

History. Acts 1977, No. 432, § 1; A.S.A. 1947, § 22-365.

CASE NOTES

Cited: *Beaumont v. Adkisson*, 267 Ark. 511, 593 S.W.2d 11 (1980).

16-13-1302. Terms of court.

The terms of court for the circuit court of the Fifth Judicial District shall begin on the following days:

- (1)(A) Franklin County, Charleston District: On the first Mondays in February and September; and
- (B) Franklin County, Ozark District: On the third Mondays in February and September;
- (2) Johnson County: On the first Mondays in March and October; and
- (3) Pope County: On the first Mondays in April and November.

History. Acts 1889, No. 31, §§ 1, 3, 4, p. 1979, No. 317, § 2; A.S.A. 1947, §§ 22-38; 1947, No. 120, §§ 1, 2; 1955, No. 146, § 1; 1965, No. 96, § 5; 1971, No. 198, § 2; 310, 22-310n.

CASE NOTES

Cited: *Bradley v. State*, 213 Ark. 927, 213 S.W.2d 901 (1948); *Gentry v. Jett*, 173 F. Supp. 722 (W.D. Ark. 1959); *Midwest Timber Prods. Co. v. Self*, 230 Ark. 872, 327 S.W.2d 730 (1959); *Fitzwater v. Harris*, 231 Ark. 173, 328 S.W.2d 501 (1959); *Hammond v. Kirby*, 233 Ark. 560, 345 S.W.2d 910 (1961); *Central Cas. Co. v. State*, 233 Ark. 832, 349 S.W.2d 135 (1961); *Stewart v. Stephens*, 244 F. Supp. 982 (E.D. Ark. 1965); *Givens v. State*, 243 Ark. 16, 418 S.W.2d 629 (1967); *Fields v. State*, 246 Ark. 1249, 441 S.W.2d 803 (1969); *Thorne v. State*, 247 Ark. 346, 445 S.W.2d 481 (1969); *McDonald v. State*, 253 Ark. 23, 484 S.W.2d 345 (1972); *O'Neal v. State*, 253 Ark. 574, 487 S.W.2d 618 (1972); *Peek v. Meadors*, 255 Ark. 347, 500 S.W.2d 333 (1973); *Bakri v. State*, 261 Ark. 765, 551 S.W.2d 215 (1977); *Campbell v. State*, 264 Ark. 372, 571 S.W.2d 597 (1978); *Walker v. Lockhart*, 620 F.2d 683 (8th Cir. 1980); *Wright v. State*, 270 Ark. 78, 603 S.W.2d 408 (1980); *Anderson v. Hargraves*, 272 Ark. 259, 613 S.W.2d 587 (1981); *State v. Washington*, 273 Ark. 82, 617 S.W.2d 3 (1981); *Bosnick v. State*, 275 Ark. 52, 627 S.W.2d 23 (1982).

16-13-1303. Judges and chancellors.

The qualified electors of the Fifth Judicial District shall elect:

- (1) One (1) circuit judge;
- (2) One (1) chancellor;
- (3)(A) One (1) circuit-chancery judge.

(B)(i) Each judge of the judgeship created by subdivision (3)(A) of this section shall be the judge of the juvenile division of chancery court.

(ii) The judge shall serve as judge of the juvenile division in lieu of the judge who would otherwise be designated as judge of the juvenile division of chancery court in the judicial district.

(C) The judge of the additional circuit-chancery judgeship created in subdivision (3)(A) of this section shall devote such time as may be required to perform the duties of judge of the juvenile division, which

duties shall be the primary obligation of the judge, and shall sit as judge of the circuit, chancery, or probate court as time permits; and (4)(A) An additional circuit-chancery and juvenile judgeship which shall have jurisdiction in law, equity, and probate.

(B) The additional judge shall be elected in the same manner and shall satisfy the same qualifications for holding office and shall receive the same salary, expenses, and other allowances as provided by law for judges of the circuit-chancery courts.

(C) The judge shall serve for elected terms of four (4) years.

History. Acts 1977, No. 432, § 1; A.S.A. 1947, § 22-365; Acts 1989, No. 949, § 1; 1999, No. 1151, § 1.

A.C.R.C. Notes. Section 19 of Amendment 80 to the Arkansas Constitution provided that all sitting circuit, chancery, and circuit chancery judges at the time the amendment took effect were to continue in office as circuit judges and that circuit courts were to have jurisdiction of all matters previously dealt with by circuit, chancery, and probate courts, including juvenile matters.

Acts 1989, No. 949, § 1, provided, in part, that the judgeships created by that section shall be effective on and after August 1, 1989, and that the Governor shall appoint a person to serve in each position from August 1, 1989, through December 31, 1990.

The section further provided: "The qualified electors of the respective judicial circuits shall elect the additional circuit-chancery judges at the November, 1990, General Election to take office on January 1, 1991. The additional judges shall be in the same manner and shall satisfy the same qualifications for holding office and shall receive the same salary, expenses and other allowances as provided by law for judges of circuit-chancery courts. The judges shall serve for elected terms of four (4) years."

Acts 1989, No. 949, § 3, provided: "In

each judicial circuit in which an additional circuit-chancery judge is created pursuant to this Act, the county or counties located in the judicial circuit shall provide courtroom and office facilities and supplies required for the juvenile division of the chancery court of the county, which shall be paid out of the county treasury of the county or counties in the same manner as other demands against the county or counties, out of funds appropriated by the quorum court of the county or counties for such purposes."

Acts 1989, No. 949, § 5, provided: "In each judicial circuit in which an additional circuit-chancery judgeship is created pursuant to this Act, there shall be provided a court reporter whose salary shall be fixed and paid in the manner provided by law for court reporters of the circuit and chancery courts of this state."

As amended by Acts 1999, No. 1151, subdivision (4)(A) began: "Effective January 1, 2001, there is hereby created in the Fifth Judicial District."

As amended by Acts 1999, No. 1151, subdivision (4)(B) began with a sentence which read: "The qualified electors of the Fifth Judicial District shall elect the additional circuit-chancery judge created in subsection (c)(1) of this section at the November 2000 general election to take office on January 1, 2001."

CASE NOTES

Cited: *Beaumont v. Adkisson*, 267 Ark. 511, 593 S.W.2d 11 (1980).

16-13-1304. Case coordinator.

(a)(1) The Judge of the Circuit Court for the Fifth Judicial District may appoint one (1) case coordinator for said district for circuit matters.

(2) The Judge of the Chancery and Probate Court for the Fifth Judicial District may appoint one (1) case coordinator for the district for chancery and probate matters.

(b) The principal duties of the case coordinators shall be to maintain the court calendar, schedule dates for the trial of cases and for the hearing of motions, and other related and incidental duties at the direction of the judges.

(c) The case coordinators authorized by this section shall be appointed by the respective judges, shall be sworn officers of the court, and shall hold office at the discretion of and during the term of the judge who appointed them, except that they may be dismissed for incompetency, neglect of duty, or misbehavior.

(d) Each case coordinator shall receive expenses and automobile allowances as authorized for county employees. The same shall be prorated among the counties comprising the district in the same manner as the salary set forth above and be paid out of the county treasury.

History. Acts 1995, No. 1246, § 1.

A.C.R.C. Notes. Section 19 of Amendment 80 to the Arkansas Constitution provided that all sitting circuit, chancery, and circuit chancery judges at the time the amendment took effect were to continue in office as circuit judges and that circuit courts were to have jurisdiction of all matters previously dealt with by circuit, chancery, and probate courts, including juvenile matters.

As enacted by Acts 1995, No. 1246, present subsection (d) of this section was subsection (g) and this section contained subsections (d)-(f) and (h) which provided: "(d) Each case coordinator authorized by this section shall receive a salary of not less than fifteen thousand dollars (\$15,000) nor more than twenty-two thou-

sand dollars (\$22,000) per calendar year payable in the following manner: two-thirds (⅔) from Pope County, one-sixth (⅙) from Johnson County, and one-sixth (⅙) from Franklin County.

"(e) The salaries shall be payable in twenty-six (26) equal installments by the paying offices of the respective counties.

"(f) The beginning salary of each case coordinator shall be determined by the judge of each court with consideration given to the case load of each court.

"(h) When the Pope county quorum court raises the salaries of Pope county employees, the participating counties shall also raise salaries in a proportionate amount for the case coordinators provided for in this section."

SUBCHAPTER 14 — SIXTH JUDICIAL CIRCUIT

SECTION.

- 16-13-1401. Composition.
- 16-13-1402. Terms of court.
- 16-13-1403. Judges and chancellors.
- 16-13-1404. Chancery court reporters.
- 16-13-1405. Chancery court case coordinators.
- 16-13-1406. Chancery court assistant case coordinators-computer operators.
- 16-13-1407. Chancery court law clerks.
- 16-13-1408. Location of chancery courts.
- 16-13-1409. Case coordinators.

SECTION.

- 16-13-1410. Law clerks.
- 16-13-1411. Secretaries.
- 16-13-1412. Circuit court probation officers.
- 16-13-1413. Court bailiffs.
- 16-13-1414. Circuit court presentence officers.
- 16-13-1415. Pulaski County — Proceedings generally.
- 16-13-1416. Pulaski County — Chancery clerk.

SECTION.

16-13-1417. Pulaski County — Referral to master.

16-13-1418. Pulaski County — Field investigator.

SECTION.

16-13-1419. Pulaski County — Probate clerk.

A.C.R.C. Notes. Section 19 of Amendment 80 to the Arkansas Constitution provided that all sitting circuit, chancery, and circuit chancery judges at the time the amendment took effect were to continue in office as circuit judges and that circuit courts were to have jurisdiction of all matters previously dealt with by circuit, chancery, and probate courts, including juvenile matters.

Acts 1989, No. 286, § 15, provided: "All of the employees covered by this act who were on the county payroll on or after July 10, 1987, shall receive a four percent retroactive reimbursement under this act for those days employed on or after July 10, 1987 in a position covered by this act. Also, all of the employees covered by this act who were on the county payroll on or after December 26, 1987, shall receive an additional compound four percent retroactive reimbursement under this act for those days employed on or after December 26, 1987 in a position covered by this act. Also, all of the employees covered by this act who were on the county payroll on or after December 24, 1988, shall receive an additional compound four percent retroactive reimbursement under this act for those days employed on or after December 24, 1988 in a position covered by this act. Further, any person not currently employed by Pulaski County shall be excluded from any retroactive reimbursement. Further, any employee that changed from a job covered by this act to another job covered by this act shall be included in and entitled to the retroactive reimbursement effect of this act, on a daily pro rata basis, for any time employed in a job covered by this act.

"All employees entitled to retroactive reimbursement of salary increases under this section shall be paid in a lump sum payment."

Acts 2001, No. 951, § 6, provided: "Sixth Judicial Circuit. (a) The circuit judgeship which is currently designated as Circuit Division 1 and presently held

by Marion Humphrey shall be known and designated as Circuit Court, Division 1.

"(b) The circuit judgeship which is currently designated as Circuit Division 2 and presently held by Chris Piazza shall be known and designated as Circuit Court, Division 2.

"(c) The circuit judgeship which is currently designated as Circuit Division 3 and presently held by John Ward shall be known and designated as Circuit Court, Division 3.

"(d) The circuit judgeship which is currently designated as Circuit Division 4 and presently held by John W. Langston shall be known and designated as Circuit Court, Division 4.

"(e) The circuit judgeship which is currently designated as Circuit Division 5 and presently held by Willard Proctor, Jr. shall be known and designated as Circuit Court, Division 5.

"(f) The circuit judgeship which is currently designated as Circuit Division 6 and presently held by David Bogard shall be known and designated as Circuit Court, Division 6.

"(g) The circuit judgeship which is currently designated as Circuit Division 7 and presently held by John B. Plegge shall be known and designated as Circuit Court, Division 7.

"(h) The chancery judgeship which is currently designated as Chancery Division 1 and presently held by Alice Gray shall be known and designated as Circuit Court, Division 12.

"(i) The chancery judgeship which is currently designated as Chancery Division 2 and presently held by Collins Kilgore shall be known and designated as Circuit Court, Division 13.

"(j) The chancery judgeship which is currently designated as Chancery Division 3 and presently held by Vann Smith shall be known and designated as Circuit Court, Division 14.

"(k) The chancery judgeship which is currently designated as Chancery Divi-

sion 4 and presently held by Robin Mays shall be known and designated as Circuit Court, Division 15.

"(l) The chancery judgeship which is currently designated as Chancery Division 5 and presently held by Ellen Brantley shall be known and designated as Circuit Court, Division 16.

"(m) The chancery judgeship which is currently designated as Chancery Division 6 and presently held by Mackie Pierce shall be known and designated as Circuit Court, Division 17.

"(n) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 7 and presently held by Rita Gruber shall be known and designated as Circuit Court, Division 11.

"(o) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 8 and presently held by Wiley Branton shall be known and designated as Circuit Court, Division 8.

"(p) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 9 and presently held by Mary McGowan shall be known and designated as Circuit Court, Division 9.

"(q) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 10 and presently held by Joyce Williams Warren shall be known and designated as Circuit Court, Division 10."

Acts 2001, No. 951, § 29, provided: "The word 'Division' as used in this act shall refer only to the designation of the judicial positions for election purposes and does not refer to 'subject matter divisions' pursuant to Amendment 80, Section 6 of the Arkansas Constitution."

Acts 2001, No. 951, § 30, provided: "Should any additional circuit judgeships be created in a judicial circuit, there shall be created within that judicial circuit, an additional Division which shall be numbered sequentially and the judge appointed or elected thereto shall serve as the judge of the additional Division."

Publisher's Notes. Acts 1989, No. 286, § 11, provided: "All of the above salary increases shall apply retroactively as provided in Section 15 and shall apply prospectively to all employees covered by this act. Further, the above salary increases shall not operate to prevent salary increases as otherwise provided by this act or any other legislative act or county ordi-

nance."

Preambles. Acts 1985, No. 336 contained a preamble which read: "Whereas, the case of *Venhous v. State, et al*, Sup. Ct. #84-205; held that the quorum courts of the various counties cannot set the salaries of court employees under Amendment 55 to the Constitution of Arkansas, and the same case held that the judges of the courts of the various judicial districts cannot set the salaries of the courts' employees within a legislatively specified range; and

"Whereas, there is currently no legal authority to pay many employees of the various courts, other than the inherent powers of said courts to impound funds to pay the lawful expenses of the administration of justice; and

"Whereas, the six circuit courts and the four chancery courts of the Sixth Judicial District have one of the highest case loads in the State; and

"Whereas, the judges of the Sixth Judicial Circuit have historically been among the highest in disposal rates in the State of Arkansas, it is hereby found that the several judges are in need of additional staff in order to continue to perform their duties as required by law...."

Acts 1989, No. 286 contained a preamble which read: "Whereas, this Act consolidates all separate salary Acts; and

"Whereas, this Act provides authority for the Quorum Court of Pulaski County to treat all county employees in the same manner; and

"Whereas, certain county employees have not received salary increases due to a question concerning the Quorum Court having the legal authority to grant salary increases to these employees; and

"Whereas, it is desirable to bring into equal balance the salaries of Pulaski County employees;

"Now therefore ..."

Effective Dates. Acts 1893, No. 56, § 12: effective on passage.

Acts 1913, No. 64, § 13: approved Feb. 20, 1913. Emergency declared.

Acts 1923, No. 100, § 3: effective on passage. Emergency declared. Approved Feb. 9, 1923.

Acts 1979, No. 211, § 9: Feb. 23, 1979. Emergency clause provided: "It is hereby found and determined by the General Assembly that it is essential to the effective and efficient administration of justice in

the Sixth Circuit-Chancery Circuit that this Act be given effect immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1979, No. 248, § 6: Mar. 1, 1979. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that the investigation of a defendant's record and standing in the community prior to and subsequent to sentencing would be beneficial and helpful to the court in passing judgment in particular cases and that this Act is necessary to provide such services to the Fourth Division Circuit Court of Pulaski County. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval."

Acts 1981 (Ex. Sess.), No. 38, § 5: Jan. 1, 1982. Emergency clause provided: "It being determined by the General Assembly that the proper and effective management of the State Judicial System and the administration of justice requires that the provisions of this Act be implemented as soon as possible and this Act is necessary for the proper management of the judicial system of the State, therefore, an emergency is hereby declared to exist and this Act, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after January 1, 1982."

Acts 1985, No. 336, §§ 23, 25: retroactive to Jan. 1, 1985. Emergency clause provided: "It is hereby found and determined by the General Assembly that adequate lawful funding and staff should be provided for the Sixth Judicial Circuit; and that the lawful funding and staff are currently inadequate; and that this Act is immediately necessary to grant such authority. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval." Became law without Governor's signature, Mar. 13, 1985.

Acts 1987, No. 344, § 6: effective retroactive to Jan. 1, 1987. Emergency clause

provided: "It is hereby found and determined by the General Assembly that adequate lawful funding should be provided for the Sixth Judicial District; and that the lawful funding is currently inadequate; and that this Act is immediately necessary to grant such authority. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval." Became law without Governor's signature. Noted in Governor's office on Mar. 19, 1987.

Acts 1989, No. 949, § 8: Mar. 27, 1989. Emergency clause provided: "It is hereby found and determined by the General Assembly that the juvenile division of chancery court is to be created to replace the juvenile court system provided for in Act 14 of 1987 and that the immediate passage of this Act is necessary to insure that there is an orderly and efficient administration of the juvenile justice system of this state. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1989 (3rd Ex. Sess.), No. 28, § 7: Nov 7, 1989. Emergency clause provided: "It is hereby found and determined by the General Assembly that the caseload of the Second and Sixth Judicial Districts necessitates the appointment of additional circuit-chancery judges immediately; and that this Act so provides and should therefore be given effect immediately. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1991, No. 601, § 7: Mar. 18, 1991. Emergency clause provided: "It is hereby found and determined by the Seventy-Eighth General Assembly that the Third Division of the Sixth Judicial District should be provided a bailiff as are the other courts in the Sixth Judicial District to maintain order and provide security for the judge, jury, witnesses and defendants, and that this act is immediately necessary. Therefore, an emergency is declared to exist and this act being necessary for

the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1992 (1st Ex. Sess.), No. 51, § 7: Mar. 17, 1992. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that the opinion of the Arkansas Supreme Court in the case of Tony A. Lee v. Andre McNeil, Chancellor and Probate Judge et al., #CR 91-153, delivered January 27, 1992, cast substantial doubt on the legality of the exchange of circuits between and among circuit judges and chancellors within the same numbered and geographically defined districts-circuits; and that the inability of respective judges so to exchange circuits will seriously impair the timely and expeditious dispatch of the business of such courts and will entail unnecessary and expensive delay in

the termination of cases in such courts. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval."

Acts 1993, No. 283, § 7: Noted: Mar. 1, 1993. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that the caseload of the Sixth Judicial District necessitates the appointment of additional circuit-chancery judges immediately; and that this act so provides and should therefore be given effect immediately. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval."

16-13-1401. Composition.

The Sixth Judicial District shall be composed of the counties of Perry and Pulaski.

History. Acts 1977, No. 342, § 1; A.S.A. 1947, § 22-365.

CASE NOTES

Cited: *Beaumont v. Adkisson*, 267 Ark. 511, 593 S.W.2d 11 (1980).

16-13-1402. Terms of court.

The terms of court in each county in the Sixth Judicial District shall commence on the dates set forth below:

(1) Pulaski County: On the fourth Monday in September and first Monday in March; and

(2) Perry County: On the first Monday in February and third Monday in July.

History. Acts 1893, No. 56, §§ 1, 8; 1923, No. 100, § 1; A.S.A. 1947, § 22-310.

CASE NOTES

Cited: *Bradley v. State*, 213 Ark. 927, 213 S.W.2d 901 (1948); *Gentry v. Jett*, 173 F. Supp. 722 (W.D. Ark. 1959); *Midwest*

Timber Prods. Co. v. Self, 230 Ark. 872, 327 S.W.2d 730 (1959); *Fitzwater v. Harris*, 231 Ark. 173, 328 S.W.2d 501 (1959);

Hammond v. Kirby, 233 Ark. 560, 345 S.W.2d 910 (1961); Central Cas. Co. v. State, 233 Ark. 832, 349 S.W.2d 135 (1961); Stewart v. Stephens, 244 F. Supp. 982 (E.D. Ark. 1965); Givens v. State, 243 Ark. 16, 418 S.W.2d 629 (1967); Fields v. State, 246 Ark. 1249, 441 S.W.2d 803 (1969); Thorne v. State, 247 Ark. 346, 445 S.W.2d 481 (1969); McDonald v. State, 253 Ark. 23, 484 S.W.2d 345 (1972); O'Neal v. State, 253 Ark. 574, 487 S.W.2d 618

(1972); Peek v. Meadors, 255 Ark. 347, 500 S.W.2d 333 (1973); Bakri v. State, 261 Ark. 765, 551 S.W.2d 215 (1977); Campbell v. State, 264 Ark. 372, 571 S.W.2d 597 (1978); Walker v. Lockhart, 620 F.2d 683 (8th Cir. 1980); Wright v. State, 270 Ark. 78, 603 S.W.2d 408 (1980); Anderson v. Hargraves, 272 Ark. 259, 613 S.W.2d 587 (1981); State v. Washington, 273 Ark. 82, 617 S.W.2d 3 (1981); Bosnick v. State, 275 Ark. 52, 627 S.W.2d 23 (1982).

16-13-1403. Judges and chancellors.

(a) The qualified electors of the Sixth Judicial District shall elect:

- (1) Six (6) circuit judges;
- (2) Four (4) chancellors;
- (3) One (1) circuit-chancery judge; and
- (4) Two (2) circuit-chancery judgeships.

(b)(1) In the Sixth Judicial District, there is created one (1) additional circuit judgeship and two (2) additional chancery judgeships.

(2) The circuit judges and chancery judges subject to this subsection may, by agreement, hold either of the circuit or chancery courts and may hear and try matters pending in any of those courts or may hear or try matters in the same court at the same time. The judges subject to this subsection may adopt such rules as they deem appropriate for the assignment of cases in the circuit and chancery courts of their judicial district.

(c)(1) Each judge of the judgeship created by subdivision (a)(3) of this section shall be the judge of the juvenile division of chancery court. The judge shall serve as judge of the juvenile division in lieu of the judge who would otherwise be designated as judge of the juvenile division of chancery court in the judicial district.

(2) Further, the chancery judges of the Sixth Judicial District may designate by agreement not more than two (2) of the chancery judges who shall serve as judges of the juvenile division of chancery court in addition to the circuit-chancery judgeship created in subdivision (a)(3) of this section.

(3) The judge of the additional circuit-chancery judgeship created in subdivision (a)(3) of this section shall devote such time as may be required to perform the duties of judge of the juvenile division, which duties shall be the primary obligation of the judge, and shall sit as judge of the circuit, chancery, or probate court as time permits.

(4) Of the judgeships created by subdivision (a)(4) of this section within the Sixth Judicial District, the chancery judges of the Sixth Judicial District may designate by agreement one (1) of the Sixth Judicial District circuit-chancery judges whose primary responsibility shall include conducting hearings for the involuntary admission or commitment of persons to the Arkansas State Hospital or any other public or private hospital with a fully trained psychiatrist on the active or consultant staff and may designate by agreement one (1) of the Sixth

Judicial District circuit-chancery judges whose primary responsibility shall be to perform the duties of a judge of the juvenile division of chancery court. Each of these judges shall sit as judge of the circuit, chancery, or probate courts as time permits.

(d)(1) There is hereby created in the Sixth Judicial District an additional circuit-chancery judgeship, which shall have jurisdiction in law, equity, and probate.

(2) The judge of the additional circuit-chancery judgeship created in subdivision (d)(1) of this section shall devote such time as may be required to perform the duties of judge of the juvenile division, which duties shall be the primary obligation of the judge, and shall sit as judge of the circuit, chancery, or probate court as time permits.

History. Acts 1977, No. 432, § 1; 1981 (Ex. Sess.), No. 38, § 1; A.S.A. 1947, §§ 22-365, 22-373; Acts 1987, No. 846, §§ 1, 3; 1989, No. 949, § 1; 1989 (3rd Ex. Sess.), No. 28, § 1; 1993, No. 283, § 1.

A.C.R.C. Notes. Acts 1987, No. 846, § 2, provided: "The additional circuit judges, chancery judges, and circuit-chancery judges provided for in this Act shall be elected at the General Election in 1988, to take office on January 1, 1989, and thereafter as provided by law."

Acts 1989, No. 949, § 1, provided, in part, that the judgeships created by that section shall be effective on and after August 1, 1989, and that the Governor shall appoint a person to serve in each position from August 1, 1989, through December 31, 1990.

The section further provided: "The qualified electors of the respective judicial circuits shall elect the additional circuit-chancery judges at the November, 1990, General Election to take office on January 1, 1991. The additional judges shall be in the same manner and shall satisfy the same qualifications for holding office and shall receive the same salary, expenses and other allowances as provided by law for judges of circuit-chancery courts. The judges shall serve for elected terms of four (4) years."

Acts 1989, No. 949, § 3, provided: "In each judicial circuit in which an additional circuit-chancery judge is created pursuant to this Act, the county or counties located in the judicial circuit shall provide courtroom and office facilities and supplies required for the juvenile division of the chancery court of the county, which shall be paid out of the county treasury of the county or counties in the same man-

ner as other demands against the county or counties, out of funds appropriated by the quorum court of the county or counties for such purposes."

Acts 1989, No. 949, § 5, provided: "In each judicial circuit in which an additional circuit-chancery judgeship is created pursuant to this Act, there shall be provided a court reporter whose salary shall be fixed and paid in the manner provided by law for court reporters of the circuit and chancery courts of this state."

Acts 1989 (3rd Ex. Sess.), No. 28, § 1, provided, in part, that: "The qualified electors of the respective judicial circuits shall elect the additional circuit-chancery judges at the November, 1990, General Election to take office on January 1, 1991. The additional judges shall be elected in the same manner and shall satisfy the same qualifications for holding office and shall receive the same salary, expenses and other allowances as provided by law for judges of circuit-chancery courts. The judges shall serve for elected terms of four (4) years."

Acts 1989 (3rd Ex. Sess.), No. 28, § 1, also provided, in part, that: "As soon as possible after the effective date of this act, the Governor shall appoint a qualified person to temporarily fill the Second and Sixth Judicial District circuit-chancery judgeships created by this Act, and such persons shall serve until December 31, 1990, or until their successors have been elected and qualified, whichever occurs last."

Acts 1989 (3rd Ex. Sess.), No. 28, § 2, provided: "In each judicial circuit in which an additional circuit-chancery judge is created pursuant to this Act, the county or counties located in the judicial circuit

shall provide courtroom and office facilities and supplies, which shall be paid out of the county treasury of the county or counties in the same manner as other demands against the county or counties, out of funds appropriated by the quorum court of the county or counties for such purposes. Provided, however, that the additional judgeship for the Sixth Judicial District who is to conduct commitment hearings shall be provided courtroom and office facilities and supplies by the Arkansas State Hospital located in Pulaski County."

Acts 1989 (3rd Ex. Sess.), No. 28, § 3, provided: "In each judicial circuit in which additional circuit-chancery judgeships are created pursuant to this Act, there shall be provided court reporters whose salary shall be fixed and paid in the manner provided by law for court reporters of the circuit and chancery courts of this state."

As originally enacted by Acts 1993, No. 283, § 1, subdivision (d)(1) began: "Effective July 1, 1993..."

Acts 1993, No. 283, § 1, provided, in part: "(c) The qualified electors of the Sixth Judicial District shall elect the additional circuit-chancery judge created herein at the November 1994 general elec-

tion to take office on January 1, 1995. The additional judge shall be elected in the same manner and shall satisfy the same qualifications for holding office and shall receive the same salary, expenses, and other allowances as provided by law for judges of the circuit-chancery courts. The judge shall serve for elected terms of four (4) years.

"(d) As soon as possible after the effective date of this act, the Governor shall appoint a qualified person to temporarily fill the Sixth Judicial District Circuit-Chancery judgeship created herein, and said person shall serve until December 31, 1994, or until a successor has been elected and qualified, whichever occurs last."

Acts 1993, No. 283, § 2, provided: "The counties which comprise the Sixth Judicial District shall provide courtroom and office facilities and supplies for the judge of the circuit-chancery judgeship created by this act, which shall be paid out of the county treasuries in the same manner as other demands against the counties, out of funds appropriated by respective quorum courts of the counties for such purposes."

Publisher's Notes. Acts 1993, No. 229, identical to Acts 1993, No. 283, was repealed by Acts 1993, No. 1193.

CASE NOTES

Assignment of Cases.

Exchange of paternity cases among the Sixth District Juvenile and Chancery Courts was intra-district in nature, and expressly authorized by subdivision (b)(2)

of this section. *Barnes v. Barnes*, 311 Ark. 287, 843 S.W.2d 835 (1992).

Cited: *Beaumont v. Adkisson*, 267 Ark. 511, 593 S.W.2d 11 (1980).

16-13-1404. Chancery court reporters.

(a) Each chancellor of the Sixth Judicial District may appoint one (1) court reporter to serve his or her court.

(b) Each of the circuit, chancery, and circuit-chancery judges provided for in § 16-13-1403(b) are authorized to employ a court reporter. The court reporters shall receive such compensation as is provided by law.

(c) There shall be provided for the judge of the circuit-chancery judgeship created by § 16-13-1403(d) a court reporter, whose salary shall be fixed and paid in the manner provided by law for court reporters of the circuit-chancery courts of this state.

History. Acts 1979, No. 211, § 3; A.S.A. 1947, § 22-417.12; Acts 1987, No. 846, § 4; 1993, No. 283, § 3.

Publisher's Notes. Acts 1993, No. 229, identical to Acts 1993, No. 283, was repealed by Acts 1993, No. 1193.

CASE NOTES

Cited: Villines v. Tucker, 324 Ark. 13, 918 S.W.2d 153 (1996).

16-13-1405. Chancery court case coordinators.

(a) Each chancellor of the Sixth Judicial District may appoint one (1) case coordinator whose principal duties will be the maintenance of the court calendar, setting dates for trial of cases and for hearing of motions, and other related and incidental duties as directed by the chancellor, including, but not limited to, duties in the clerk's office.

(b) The case coordinator shall receive an annual salary of not less than twelve thousand six hundred dollars (\$12,600) nor more than the salary provided by law for the chancery court reporters of the Sixth Judicial District.

(c) For the purposes of any retirement act or system, case coordinators shall be treated in the same manner and to the same effect as chancery court reporters.

History. Acts 1979, No. 211, § 7; A.S.A. 1947, § 22-417.16.

16-13-1406. Chancery court assistant case coordinators-computer operators.

(a) The chancery judges of the Sixth Judicial District may appoint one (1) assistant case coordinator-computer operator.

(b) The duties of the assistant case coordinator-computer operator shall include all the duties in § 16-13-1409(b) in addition to the operation of the computer for the Sixth Judicial District.

(c) The salary of the assistant case coordinator-computer operator shall be eighteen thousand five hundred dollars (\$18,500) per calendar year, which salary shall be paid by Pulaski County.

(d)(1) The salary of all case coordinators in the Sixth Judicial District set by this section and by county ordinance shall be amended to provide for an increase of the minimum salaries of four percent (4%) as of July 10, 1987; another increase of four percent (4%) beginning December 26, 1987; and another increase of four percent (4%) beginning December 24, 1988, unless a higher salary is provided by any other legislative act or county ordinance.

(2) All of the salaries shall be paid by Pulaski County. All of the salaries shall be paid bi-weekly by Pulaski County.

(3) When the county quorum court raises salaries for county employees, it shall also raise salaries an equivalent amount for the employees provided for in this subsection.

(4) The employees covered by this subsection shall be treated by Pulaski County in the same manner as other Pulaski County employees for all other purposes.

History. Acts 1985, No. 336, §§ 20-22; A.S.A. 1947, § 22-310n; Acts 1989, No. 286, §§ 6, 12-14.

16-13-1407. Chancery court law clerks.

(a) The chancellors of the Sixth Judicial District, by concurrence of a majority of themselves, may appoint one (1) law clerk who shall be a licensed attorney or graduate of an accredited law school.

(b) The law clerk shall receive the same salary as provided for chancery court reporters in the Sixth Judicial District.

History. Acts 1979, No. 211, § 6; A.S.A. 1947, § 22-417.15.

16-13-1408. Location of chancery courts.

The county judges of the counties of the Sixth Judicial District shall provide adequate space in their courthouses for the holding of chancery court.

History. Acts 1979, No. 211, § 4; A.S.A. 1947, § 22-417.13.

16-13-1409. Case coordinators.

(a) The judges of each division of the Sixth Judicial District may appoint one (1) case coordinator for each division.

(b) The principal duties of the case coordinator shall be to maintain the court calendar, set dates for the trial of cases and for the hearing of motions, and other related and incidental duties at the direction of the judge.

(c) The case coordinator provided for in this section shall receive a salary of twenty-four thousand dollars (\$24,000) per calendar year, which salary shall be paid by Pulaski County.

(d)(1) The salary of all case coordinators in the Sixth Judicial District set by this section and by county ordinance shall be amended to provide for an increase of the minimum salaries of four percent (4%) as of July 10, 1987; another increase of four percent (4%) beginning December 26, 1987; and another increase of four percent (4%) beginning December 24, 1988, unless a higher salary is provided by any other legislative act or county ordinance.

(2) All of the salaries shall be paid by Pulaski County. All of the salaries shall be paid bi-weekly by Pulaski County.

(3) When the county quorum court raises salaries for county employees, it shall also raise salaries an equivalent amount for the employees provided for in this subsection.

(4) The employees covered by this subsection shall be treated by Pulaski County in the same manner as other Pulaski County employees for all other purposes.

History. Acts 1985, No. 336, §§ 11-13; A.S.A. 1947, § 22-310n; Acts 1989, No. 286, §§ 6, 12-14.

CASE NOTES

Administrative Leave.

The court properly dismissed the action for mandamus brought by court employees seeking rescission of the judge's executive order denying them administrative leave, even though the employees were originally granted administrative leave by

the judge, because the original grant of leave had been without authority and because under this section circuit court employees must be treated the same as other county employees. *Lee v. Villines*, 328 Ark. 189, 942 S.W.2d 844 (1997).

16-13-1410. Law clerks.

(a)(1) Each judge of the Sixth Judicial District may appoint a law clerk, who may also serve as master, who shall be a graduate of a law school approved by the State Board of Law Examiners.

(2) Each law clerk shall serve at the discretion and under the direction of the judge.

(b)(1) The powers and duties of the law clerks shall be to administer oaths and affirmations, to take acknowledgments, affidavits, and depositions, to serve as master, and to conduct pretrial and prejudgment hearings and recommendations for disposition to the circuit, chancery, or probate judge.

(2) The law clerks may be assigned such additional duties at the discretion of the respective judges as are not inconsistent with the Constitution and laws of the State of Arkansas.

(c) The salary of each law clerk for the Sixth Judicial District shall be set as follows:

| <u>Item No.</u> | <u>Title</u> | <u>Years Experience</u> | <u>Annual Salary</u> |
|-----------------|----------------|-----------------------------|----------------------|
| 1 | Law Clerk I | 0-1 | \$24,000.00 |
| 2 | Law Clerk II | 1-2 | 24,666.66 |
| 3 | Law Clerk III | 2-3 | 25,333.32 |
| 4 | Law Clerk IV | 3-4 | 25,999.98 |
| 5 | Law Clerk V | 4-5 | 26,666.64 |
| 6 | Law Clerk VI | 5-6 | 27,333.30 |
| 7 | Law Clerk VII | 6-7 | 27,999.96 |
| 8 | Law Clerk VIII | 7-8 | 28,666.62 |
| 9 | Law Clerk IX | 8-9 | 29,333.28 |
| 10 | Law Clerk X | 9-10 | 29,999.94 |

(d)(1) The salary of each senior law clerk for the Sixth Judicial District previously set by this section and by county ordinance shall be amended to provide for an increase of the minimum salaries of four percent (4%) as of July 10, 1987; another increase of four percent (4%) beginning December 26, 1987; and another increase of four percent (4%)

beginning December 24, 1988, unless a higher salary is provided by any other legislative act or county ordinance.

(2) The salary of each junior law clerk for the Sixth Judicial District set by this section and by county ordinance shall be amended to provide for an increase of the minimum salaries of four percent (4%) as of July 10, 1987; another increase of four percent (4%) beginning December 26, 1987; and another increase of four percent (4%) beginning December 24, 1988, unless a higher salary is provided by any other legislative act or county ordinance.

(3) All of the salaries shall be paid by Pulaski County. All of the salaries shall be paid bi-weekly by Pulaski County.

(4) When the county quorum court raises salaries for county employees, it shall also raise salaries an equivalent amount for the employees provided for in this subsection.

(5) The employees covered by this subsection shall be treated by Pulaski County in the same manner as other Pulaski County employees for all other purposes.

History. Acts 1985, No. 336, §§ 1, 2; A.S.A. 1947, § 22-310n; Acts 1987, No. 344, §§ 1-3; 1989, No. 286, §§ 4, 7, 12-14.

A.C.R.C. Notes. Former subdivisions (a)(1) and (b)(1) and subsection (c) of this

section are deemed to be superseded by the current provisions. The former provisions were derived from Acts 1985, No. 336, §§ 1 (part), 2 (part), and 3.

CASE NOTES

Administrative Leave.

The court properly dismissed the action for mandamus brought by court employees seeking rescission of the judge's executive order denying them administrative leave, even though the employees were originally granted administrative leave by

the judge, because the original grant of leave had been without authority and because under this section circuit court employees must be treated the same as other county employees. *Lee v. Villines*, 328 Ark. 189, 942 S.W.2d 844 (1997).

16-13-1411. Secretaries.

(a) The judges of each division of the Sixth Judicial District may appoint one (1) secretary.

(b) Secretaries so appointed shall provide clerical, stenographic, and other secretarial services and may be assigned such additional duties at the discretion of the respective judges as are not inconsistent with the Constitution or laws of the State of Arkansas.

(c) The salary of the secretaries of the Sixth Judicial District shall be sixteen thousand five hundred dollars (\$16,500) per calendar year, which salary shall be paid by Pulaski County.

(d)(1) The salary of each secretary employed by the Sixth Judicial District set by this section and by county ordinance shall be amended to provide for an increase of the minimum salaries of four percent (4%) as of July 10, 1987; another increase of four percent (4%) beginning December 26, 1987; and another increase of four percent (4%) beginning

December 24, 1988, unless a higher salary is provided by any other legislative act or county ordinance.

(2) All of the salaries shall be paid by Pulaski County. All of the salaries shall be paid bi-weekly by Pulaski County.

(3) When the county quorum court raises salaries for county employees, it shall also raise salaries an equivalent amount for the employees provided for in this subsection.

(4) The employees covered by this subsection shall be treated by Pulaski County in the same manner as other Pulaski County employees for all other purposes.

History. Acts 1985, No. 336, §§ 4-6; A.S.A. 1947, § 22-310n; Acts 1989, No. 286, §§ 5, 12-14.

CASE NOTES

Administrative Leave.

The court properly dismissed the action for mandamus brought by court employees seeking rescission of the judge's executive order denying them administrative leave, even though the employees were originally granted administrative leave by

the judge, because the original grant of leave had been without authority and because under this section circuit court employees must be treated the same as other county employees. *Lee v. Villines*, 328 Ark. 189, 942 S.W.2d 844 (1997).

16-13-1412. Circuit court probation officers.

(a) The circuit judges of the First, Fourth, and Fifth Divisions of the Sixth Judicial District may appoint a chief probation officer and a deputy probation officer.

(b)(1) The duties of the chief probation officer shall include the supervision of all persons on probation, the investigation of all matters referred to him or her by the court relating to the granting of suspended sentences, and the investigation of any other matters that may be referred to him or her by the court.

(2) The deputy probation officer shall perform all duties delegated to him or her by the chief probation officer, and all those referred to him or her by the court.

(3) The chief probation officer and the deputy probation officer, in the performance of their duties, may exercise all the powers of a deputy sheriff, which powers shall include the powers to make arrests, carry weapons, and serve summonses.

(c)(1) The salary of the chief probation officer shall be twenty-five thousand dollars (\$25,000) per calendar year, which salary shall be paid by Pulaski County.

(2) The salary of the deputy probation officer shall be twenty-three thousand five hundred dollars (\$23,500) per calendar year, which salary shall be paid by Pulaski County.

(3) Any probation officer funded through or by the Board of Corrections is specifically excluded from the provisions of this section.

(d) Nothing in the provisions of this section shall be construed to repeal or modify the laws now in effect relating to the duties of the State Parole Officer.

(e)(1) The salaries of the chief probation officer and coordinator probation officers set by this section and by county ordinance shall be amended to provide for an increase of the minimum salaries of four percent (4%) as of July 10, 1987; and another increase of four percent (4%) beginning December 26, 1987; and another increase of four percent (4%) beginning December 24, 1988, unless a higher salary is provided by any other legislative act or county ordinance.

(2) All of the salaries shall be paid by Pulaski County. All of the salaries shall be paid bi-weekly by Pulaski County.

(3) When the county quorum court raises salaries for county employees, it shall also raise salaries an equivalent amount for the employees provided for in this subsection.

(4) The employees covered by this subsection shall be treated by Pulaski County in the same manner as other Pulaski County employees for all other purposes.

History. Acts 1985, No. 336, §§ 7-10; A.S.A. 1947, § 22-310n; Acts 1989, No. 286, §§ 1, 12-14.

A.C.R.C. Notes. Acts 2001, No. 323, § 1, provided: "Legislative intent. The General Assembly, in Act 549 of 1993, established the Arkansas Department of Community Punishment and delineated its purposes. Confusion in the public's perception, with regard to the purposes of the department, exists and will persist because of the inconsistency between the name of the department and its established purposes. The purpose of this act is to provide the department with a name that more accurately describes its role as an agency that is intended to fulfill the legislatively established purposes of su-

pervision, treatment, rehabilitation, and restoration of adult offenders as useful law-abiding citizens within the community and to provide its supervisory board with a name consistent with the department's name change."

Acts 2001, No. 323, § 3, provided: "The 'Board of Correction and Community Punishment', as established in Arkansas Code 12-27-104 and 16-93-1203, shall hereafter be known as the 'Board of Corrections'."

Acts 2001, No. 323, § 5, provided: "(a) The Arkansas Code Revision Commission shall make appropriate name changes in the Arkansas Code to implement this act.

"(b) The Arkansas Code Revision Commission is not required to codify this act."

CASE NOTES

Administrative Leave.

The court properly dismissed the action for mandamus brought by court employees seeking rescission of the judge's executive order denying them administrative leave, even though the employees were originally granted administrative leave by

the judge, because the original grant of leave had been without authority and because under this section circuit court employees must be treated the same as other county employees. *Lee v. Villines*, 328 Ark. 189, 942 S.W.2d 844 (1997).

16-13-1413. Court bailiffs.

(a)(1)(A) The circuit judges of the Sixth Judicial District may each appoint one (1) court bailiff.

(B) If a circuit judge hears criminal cases, one (1) assistant court bailiff may also be appointed.

(2) The chancery judges of the Sixth Judicial District may each appoint one (1) court bailiff.

(3) The circuit-chancery judges of the Sixth Judicial District may each appoint one (1) court bailiff.

(b)(1) The duties of the bailiffs shall include their attendance in their respective courts when court is in session and the supervision and maintenance of order in their respective courtrooms, providing security for individuals involved in court proceedings, officers of the court, and judges, and other incidental and related duties at the direction of the judges.

(2) The bailiffs shall exercise all the powers of a deputy sheriff, including the power to make arrests, carry a weapon, and serve summonses, and shall be certified law enforcement officers.

(3) The circuit-chancery judges may appoint at least one (1) probation officer to serve as assistant bailiff.

(c) The bailiffs and assistant bailiffs of each of the courts shall receive a salary as set by the Pulaski County Quorum Court.

(d)(1) When the quorum court raises salaries for county employees, it shall also raise salaries an equivalent amount for the above employees.

(2) Those employees covered by this section shall be treated by Pulaski County in the same manner as other Pulaski County employees for all other purposes.

History. Acts 1985, No. 336, §§ 14-16; A.S.A. 1947, § 22-310n; Acts 1989, No. 286, §§ 2, 12-14; 1991, No. 601, §§ 1-3; 1992 (1st Ex. Sess.), No. 51, § 2; 1993, No. 572, § 1.

A.C.R.C. Notes. As originally enacted by Acts 1993, No. 572, § 1, subdivision (b)(2) concluded with "provided that bailiffs currently employed may be continued

in their duties, without regard to certification."

Publisher's Notes. Acts 1992 (1st Ex. Sess.), No. 51, § 3, provided: "The provisions of this act are procedural in nature and therefor shall apply to all cases presently pending or subsequently filed in any circuit, chancery or probate court within the State of Arkansas."

CASE NOTES

Administrative Leave.

The court properly dismissed the action for mandamus brought by court employees seeking rescission of the judge's executive order denying them administrative leave, even though the employees were originally granted administrative leave by

the judge, because the original grant of leave had been without authority and because under this section circuit court employees must be treated the same as other county employees. *Lee v. Villines*, 328 Ark. 189, 942 S.W.2d 844 (1997).

16-13-1414. Circuit court presentence officers.

(a) The circuit judges of the First, Fourth, and Fifth Divisions of the Sixth Judicial District may appoint one (1) presentence officer.

(b) The duties of the presentence officer shall include the investigation of defendants and the making of such reports to the circuit court as

it deems desirable as to the past conduct of any defendant that appears before the court.

(c) The salary of the presentence officer shall be fifteen thousand dollars (\$15,000) per calendar year, which salary shall be paid by Pulaski County.

(d)(1) The salaries of the presentence officer set by this section and by county ordinance shall be amended to provide for an increase of the minimum salaries of four percent (4%) as of July 10, 1987; another increase of four percent (4%) beginning December 26, 1987; and another increase of four percent (4%) beginning December 24, 1988, unless a higher salary is provided by any other legislative act or county ordinance.

(2) All of the salaries shall be paid by Pulaski County. All of the salaries shall be paid bi-weekly by Pulaski County.

(3) When the county quorum court raises salaries for county employees, it shall also raise salaries an equivalent amount for the employees provided for in this subsection.

(4) The employees covered by this subsection shall be treated by Pulaski County in the same manner as other Pulaski County employees for all other purposes.

History. Acts 1985, No. 336, §§ 17-19; A.S.A. 1947, § 22-310n; Acts 1989, No. 286, §§ 3, 12-14.

CASE NOTES

Administrative Leave.

The court properly dismissed the action for mandamus brought by court employees seeking rescission of the judge's executive order denying them administrative leave, even though the employees were originally granted administrative leave by

the judge, because the original grant of leave had been without authority and because under this section circuit court employees must be treated the same as other county employees. *Lee v. Villines*, 328 Ark. 189, 942 S.W.2d 844 (1997).

16-13-1415. Pulaski County — Proceedings generally.

(a) All writs and processes returnable to the Pulaski County Circuit Court shall be issued and returned as the law provides.

(b) All appeals to circuit court in civil and criminal cases shall be taken in the time and manner provided by Rule 9 of the District Court Rules.

(c) All criminal appeals shall stand for trial ten (10) days after being docketed.

History. Acts 1913, No. 64, §§ 4-6; A.S.A. 1947, §§ 22-326.7 — 22-326.9; Acts 2003, No. 1185, § 98.

CASE NOTES

Construction.

This section is mandatory. *Loveland v. State Pharmacy*, 123 Ark. 320, 185 S.W. 288 (1916).

16-13-1416. Pulaski County — Chancery clerk.

(a) The chancellors of the Sixth Judicial District shall appoint a Chancery Clerk for Pulaski County. If the chancellors are unable to agree on the appointment, the Chief Justice of the Arkansas Supreme Court shall name the Chancery Clerk for Pulaski County.

(b) The Chancery Clerk of Pulaski County may appoint as many deputies as necessary to carry out the duties of the clerk's office.

History. Acts 1979, No. 211, § 2; A.S.A. 1947, § 22-417.11.

A.C.R.C. Notes. Acts 1989, No. 286, § 10, provided: "The salaries of the employees of the Chancery Clerk previously set by Act 14 of 1987, Act 121 of 1987 and by county ordinance shall remain as set, unless a higher salary is provided by any

other legislative act or county ordinance. Also, the fund for the hiring of part-time employees in the Chancery Clerk's office shall remain at least \$11,300.00, unless the Quorum Court may provide for additional funds for said purpose as it may find necessary."

CASE NOTES

Cited: *Villines v. Tucker*, 324 Ark. 13, 918 S.W.2d 153 (1996).

16-13-1417. Pulaski County — Referral to master.

The chancellors of the Sixth Judicial District may refer any case on their respective dockets, as provided by law, to the Master in Chancery of Pulaski County.

History. Acts 1979, No. 211, § 5; A.S.A. 1947, § 22-417.14.

16-13-1418. Pulaski County — Field investigator.

(a) There is created the office of field investigator for the Pulaski County Circuit Court, Sixth Judicial District.

(b) The field investigator shall be appointed by the judge of the Pulaski County Circuit Court, Sixth Judicial District, and shall serve at the will of the judge.

(c)(1) The duties of the field investigator shall be to investigate all matters referred to him or her by the Pulaski County Circuit Court, Sixth Judicial District, including presentence reports and follow-up reports on persons placed on probation by the court.

(2) The field investigator shall perform outside investigative duties as may be requested of him or her from time to time by the probation officer of the court.

(3) The field investigator may exercise all the powers of a deputy sheriff.

(d) The field investigator shall receive an annual salary of fifteen thousand dollars (\$15,000) to be paid by Pulaski County.

History. Acts 1979, No. 248, §§ 1-4;
A.S.A. 1947, §§ 22-363.5 — 22-363.8.

CASE NOTES

Cited: Villines v. Tucker, 324 Ark. 13,
918 S.W.2d 153 (1996).

16-13-1419. Pulaski County — Probate clerk.

(a) The chancery and probate judges of Pulaski County shall designate a probate clerk who shall serve as clerk in all probate matters and as custodian of all probate papers and records.

(b) It shall be the duty of the Pulaski County Probate Clerk and clerk's deputies to perform the work and services under the supervision of the Pulaski County chancery and probate judges.

(c)(1) The Pulaski County Probate Clerk shall collect all fees related to probate matters, as provided by law. The fees collected shall be paid into the Pulaski County General Fund and dispersed pursuant to law.

(2) The salaries of the Pulaski County Probate Clerk and clerk's deputies shall be paid as established by law.

History. Acts 1991, No. 286, §§ 1-4.

CASE NOTES

Cited: Villines v. Tucker, 324 Ark. 13,
918 S.W.2d 153 (1996).

SUBCHAPTER 15 — SEVENTH JUDICIAL CIRCUIT

SECTION.

16-13-1501 — 16-13-1505. [Repealed.]

16-13-1501 — 16-13-1505. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 1997, No. 827, § 9, effective January 1, 1999.

The subchapter was derived from the following sources:

16-13-1501. Acts 1977, No. 432, § 1;
A.S.A. 1947, § 22-365.

16-13-1502. Acts 1893, No. 56, § 2, p. 84; 1955, No. 109, § 5; A.S.A. 1947, § 22-310.

16-13-1503. Acts 1977, No. 432, § 1;
A.S.A. 1947, § 22-365; Acts 1987, No. 846,
§§ 1, 3; 1989, No. 949, § 1.

16-13-1504. Acts 1987, No. 846, § 4.

16-13-1505. Acts 1993, No. 1307, § 1.

For present law, see § 16-13-3101 et seq.

SUBCHAPTER 16 — EIGHTH JUDICIAL CIRCUIT

SECTION.

16-13-1601 — 16-13-1603. [Repealed.]

16-13-1601 — 16-13-1603. [Repealed.]

Publisher's Notes. This subchapter was repealed by Acts 1997, No. 1207, § 8, effective January 1, 1999.

For Eighth Judicial District law effective after January 1, 1999, see § 16-13-3201 et seq.

The former subchapter was derived from the following sources:

16-13-1601. Acts 1977, No. 432, § 1; A.S.A. 1947, § 22-365.

16-13-1602. Acts 1907, No. 460, § 1, p. 1238; 1943, No. 212, § 1; 1965, No. 398, §§ 1, 2; 1981, No. 292, § 1; A.S.A. 1947, § 22-310; Acts 1991, No. 533, § 1.

16-13-1603. Acts 1977, No. 432, § 1; 1981 (Ex. Sess.), No. 38, § 1; A.S.A. 1947, §§ 22-365, 22-373; Acts 1989, No. 54, § 1; 1989, No. 440, § 1; 1989, No. 949, § 1.

SUBCHAPTER 17 — NINTH JUDICIAL CIRCUIT

SECTION.

16-13-1701. Composition.

16-13-1702. Terms of court.

SECTION.

16-13-1703. Judges and chancellors.

16-13-1704. Exchange of districts.

A.C.R.C. Notes. Acts 2001, No. 951, § 10, provided: "Ninth Judicial Circuit East. The circuit-chancery judgeship which is presently held by John Thomas shall be known and designated as Circuit Court, Division 1."

Acts 2001, No. 951, § 11, provided: "Ninth Judicial Circuit West. (a) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 1 and presently held by Ted Capeheart shall be known and designated as Circuit Court, Division 1.

"(b) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 2 and presently held by Charles Yeargan shall be known and designated as Circuit Court, Division 2."

Acts 2001, No. 951, § 29, provided: "The word 'Division' as used in this act shall refer only to the designation of the judicial positions for election purposes and does not refer to 'subject matter divisions' pursuant to Amendment 80, Section 6 of the Arkansas Constitution."

Acts 2001, No. 951, § 30, provided: "Should any additional circuit judgeships be created in a judicial circuit, there shall be created within that judicial circuit, an additional Division which shall be num-

bered sequentially and the judge appointed or elected thereto shall serve as the judge of the additional Division."

Effective Dates. Acts 1891, No. 52, § 9: effective on passage.

Acts 1907, No. 460, § 4: effective first Monday in June, 1907.

Acts 1923, No. 354, § 2: Mar. 9, 1923.

Acts 1943, No. 212, § 3: approved Mar. 15, 1943. Emergency clause provided: "In view of the fact that the need for the protection of the public peace, health and safety, and the efficient and prompt enforcement of the laws and the administration of justice are apparent, an emergency is declared to exist and the immediate operation of this act is necessary for the preservation of the public peace, health and safety, and this act shall take effect and be in force from and after its passage."

Acts 1995, No. 39, § 8: Jan. 26, 1995. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that the caseload of the Ninth Judicial District necessitates the transferring of Pike County to the Ninth Judicial District-West and the appointment of an additional circuit-chancery judge immediately. Therefore, an emergency is hereby de-

clared to exist and this act being necessary for the immediate preservation of the public peace, health, and safety, shall be

in full force and effect from and after its passage and approval."

16-13-1701. Composition.

(a) The Ninth Judicial District-East shall be composed of Clark County.

(b) The Ninth Judicial District-West shall be composed of the counties of Howard, Little River, Sevier, and Pike.

History. Acts 1977, No. 432, § 1; 1979, No. 834, § 1; A.S.A. 1947, § 22-365; Acts 1995, No. 39, § 1.

A.C.R.C. Notes. As amended by Acts

1995, No. 39, § 1, subsections (a) and (b) began: "Effective immediately upon passage and approval of this act."

CASE NOTES

Cited: *Beaumont v. Adkisson*, 267 Ark. 511, 593 S.W.2d 11 (1980).

16-13-1702. Terms of court.

The terms of court in each county in the Ninth Judicial District shall commence on the dates set forth below:

- (1) Clark County: On the fourth Mondays in January and July;
 - (2) Howard County: On the fourth Mondays in February and August;
 - (3) Little River County: On the first Mondays in January and July;
 - (4) Pike County: On the third Mondays in March and September;
- and
- (5) Sevier County: On the first Mondays in February and August.

History. Acts 1891, No. 52, § 2, p. 87; 1907, No. 460, § 1, p. 1238; 1923, No. 354,

§ 1; 1943, No. 212, § 1; A.S.A. 1947, § 22-310.

CASE NOTES

Cited: *Bradley v. State*, 213 Ark. 927, 213 S.W.2d 901 (1948); *Gentry v. Jett*, 173 F. Supp. 722 (W.D. Ark. 1959); *Midwest Timber Prods. Co. v. Self*, 230 Ark. 872, 327 S.W.2d 730 (1959); *Fitzwater v. Harris*, 231 Ark. 173, 328 S.W.2d 501 (1959); *Hammond v. Kirby*, 233 Ark. 560, 345 S.W.2d 910 (1961); *Central Cas. Co. v. State*, 233 Ark. 832, 349 S.W.2d 135 (1961); *Stewart v. Stephens*, 244 F. Supp. 982 (E.D. Ark. 1965); *Givens v. State*, 243 Ark. 16, 418 S.W.2d 629 (1967); *Fields v. State*, 246 Ark. 1249, 441 S.W.2d 803 (1969); *Thorne v. State*, 247 Ark. 346, 445

S.W.2d 481 (1969); *McDonald v. State*, 253 Ark. 23, 484 S.W.2d 345 (1972); *O'Neal v. State*, 253 Ark. 574, 487 S.W.2d 618 (1972); *Peek v. Meadors*, 255 Ark. 347, 500 S.W.2d 333 (1973); *Bakri v. State*, 261 Ark. 765, 551 S.W.2d 215 (1977); *Campbell v. State*, 264 Ark. 372, 571 S.W.2d 597 (1978); *Walker v. Lockhart*, 620 F.2d 683 (8th Cir. 1980); *Wright v. State*, 270 Ark. 78, 603 S.W.2d 408 (1980); *Anderson v. Hargraves*, 272 Ark. 259, 613 S.W.2d 587 (1981); *State v. Washington*, 273 Ark. 82, 617 S.W.2d 3 (1981); *Bosnick v. State*, 275 Ark. 52, 627 S.W.2d 23 (1982).

16-13-1703. Judges and chancellors.

(a) The qualified electors of the Ninth Judicial District-East shall elect one (1) circuit-chancery judge who shall have jurisdiction in law, equity, and probate.

(b)(1) The qualified electors of the Ninth Judicial District-West shall elect one (1) circuit-chancery judge who shall have jurisdiction in law, equity, and probate.

(2)(A) There is hereby created in the Ninth Judicial District-West an additional circuit-chancery judgeship, which shall have jurisdiction in law, equity, and probate.

(B) The judge of the additional circuit-chancery judgeship created in subdivision (b)(2)(A) of this section shall devote such time as may be required to perform the duties of judge of the juvenile division of chancery court, which duties shall be the primary obligation of the judge, and he or she shall sit as judge of the circuit, chancery, or probate court as time permits.

History. Acts 1977, No. 432, § 1; 1979, No. 834, § 1; A.S.A. 1947, § 22-365; Acts 1995, No. 39, § 2.

A.C.R.C. Notes. Section 19 of Amendment 80 to the Arkansas Constitution provided that all sitting circuit, chancery, and circuit chancery judges at the time the amendment took effect were to continue in office as circuit judges and that circuit courts were to have jurisdiction of all matters previously dealt with by circuit, chancery, and probate courts, including juvenile matters.

As enacted by Acts 1995, No. 39, subdivision (b)(2)(A) began "Effective immediately upon passage and approval of this act."

As amended by Acts 1995, No. 39, this section contained two additional subsections, which read:

"(c) As soon as possible after the effective date of this act, the Governor shall appoint a qualified person to temporarily fill the Ninth Judicial District-West Circuit-Chancery judgeship created herein, and the appointed person shall serve until December 31, 1996, or until a successor has been elected and qualified, whichever occurs last.

"(d) The qualified electors of the Ninth Judicial District-West shall elect the additional circuit-chancery judge created herein at the November 1996 general election to take office on January 1, 1997. The additional judge shall be elected in the same manner and shall satisfy the same qualifications for holding office and shall

receive the same salary, expenses, and other allowances as provided by law for judges of the circuit-chancery courts. The judge shall serve for elected terms of four (4) years."

Acts 1995, No. 39, § 3, provided: "The counties which comprise the Ninth Judicial District-West shall provide courtroom and office facilities and supplies for the judge of the circuit-chancery judgeship created by this act, which shall be paid out of the county treasuries in the same manner as other demands against the counties, out of funds appropriated by the respective quorum courts of the counties for such purposes."

Acts 1995, No. 39, § 4, provided: "There shall be provided for the judge of the circuit-chancery judgeship created by this act a court reporter, whose salary shall be fixed and paid in the manner provided by law for court reporters of the circuit-chancery courts of this state."

Acts 1995, No. 564, §§ 1, 2 provided: "SECTION 1. The person selected to fill the additional circuit-chancery judge position created in the Ninth Circuit-Chancery Court Circuit West by the Eightieth General Assembly shall be entitled to employ a case coordinator whose primary responsibility shall be to maintain the court calendar, schedule dates for the trial of cases and for the hearing of motions and to perform other related and incidental duties at the direction of the judge.

"SECTION 2. The case coordinator provided for in Section 1 shall receive an

annual salary of not less than sixteen thousand dollars (\$16,000) nor more than twenty-two thousand dollars (\$22,000). The salary and expenses of the case coordinator shall be paid by the counties comprising the Ninth Circuit-Chancery Court Circuit West, with the proportion thereof to be paid by each county to be determined by the judge after giving consideration to the assessed value of property in each county, the population of each county and the case load of the court in each county. The salary provided for herein shall be paid by each county in equal monthly installments on the first day of each month."

Acts 1995, No. 762, §§ 1-3, provided: "SECTION 1. The circuit/chancery judge of the Ninth Judicial Circuit-East, may employ a case coordinator to serve the judge at the pleasure of the appointing judge, at an annual salary based upon the classification in the table in Section 2 payable in equal monthly installments by Clark County.

"SECTION 2. No payment of salary may be made except in conformity with

the salary rates assigned in the table below and only after the appointing judge has certified in writing the term of the employee's experience to the County Clerk:

| "GRADE | EXPERI- ENCE | SALARY |
|--------|-----------------|-------------|
| "I | Entry Level | \$19,000.00 |
| "II | 12 Months | \$20,000.00 |
| "III | 24 Months | \$21,000.00 |
| "IV | 36 Months | \$22,000.00 |
| "V | 48 Months | \$23,000.00 |
| "VI | 60 Months | \$24,000.00 |
| "VII | 72 Months | \$25,000.00 |

"The appointing judge shall have discretion in certifying or omitting to certify increases in salary above the entry level.

"SECTION 3. It is found and determined by the General Assembly that the case coordinators of the State have varying experience and beginning in 1995, classifications in Section 2 should be implemented and is necessary to the proper administration of justice in the Ninth Judicial Circuit-East."

CASE NOTES

Cited: Beaumont v. Adkisson, 267 Ark. 511, 593 S.W.2d 11 (1980).

16-13-1704. Exchange of districts.

The judges of the Ninth Judicial District-East and the Ninth Judicial District-West may by agreement temporarily exchange districts or hold court for each other, as they deem necessary or appropriate.

History. Acts 1977, No. 432, § 1; 1979, No. 834, § 1; A.S.A. 1947, § 22-365.

CASE NOTES

Cited: Beaumont v. Adkisson, 267 Ark. 511, 593 S.W.2d 11 (1980).

SUBCHAPTER 18 — TENTH JUDICIAL CIRCUIT

SECTION.
16-13-1801. Composition.
16-13-1802. Terms of court.
16-13-1803. Judges and chancellors generally.

SECTION.
16-13-1804. Assignment of cases.
16-13-1805. Divisions of court.

A.C.R.C. Notes. Section 19 of Amendment 80 to the Arkansas Constitution provided that all sitting circuit, chancery, and circuit chancery judges at the time the amendment took effect were to continue in office as circuit judges and that circuit courts were to have jurisdiction of all matters previously dealt with by circuit, chancery, and probate courts, including juvenile matters.

Acts 2001, No. 951, § 12, provided: "Tenth Judicial Circuit.

"(a) The circuit judgeship which is currently designated as Circuit Division 1 and presently held by Don Glover shall be known and designated as Circuit Court, Division 4.

"(b) The circuit judgeship which is currently designated as Circuit Division 2 and presently held by Sam Pope shall be known and designated as Circuit Court, Division 1.

"(c) The chancery judgeship which is currently designated as Chancery Division 1 and presently held by Robert C. Vittitow shall be known and designated as Circuit Court, Division 2.

"(d) The chancery judgeship which is currently designated as Chancery Division 2 and presently held by Jerry Mazzanti shall be known and designated as Circuit Court, Division 5.

"(e) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 3 and presently held by Bynum Gibson shall be known and designated as Circuit Court, Division 3."

Acts 2001, No. 951, § 29, provided: "The word 'Division' as used in this act shall refer only to the designation of the judicial positions for election purposes and does not refer to 'subject matter divisions' pursuant to Amendment 80, Section 6 of the Arkansas Constitution."

Acts 2001, No. 951, § 30, provided: "Should any additional circuit judgeships be created in a judicial circuit, there shall be created within that judicial circuit, an additional Division which shall be numbered sequentially and the judge appointed or elected thereto shall serve as the judge of the additional Division."

Effective Dates. Acts 1893, No. 56, § 12: effective on passage.

Acts 1911, No. 290, § 2: effective 90 days after passage.

Acts 1919, No. 102, § 2: effective on passage. Emergency declared. Approved Feb. 20, 1919.

Acts 1953, No. 199, § 19: approved Mar. 3, 1953. Emergency clause provided: "Whereas, in order to properly and promptly dispatch the work now pending in the several courts of Desha County; and whereas this vitally affects the peace, health and safety of the citizens of this State, an emergency is therefore hereby declared to exist and this act shall be in full force and effect from and after its passage."

Acts 1985, No. 159, § 5: Feb. 19, 1985. Emergency clause provided: "It is hereby found and determined by the General Assembly that the workload of the circuit and chancery courts of the Tenth Circuit-Chancery Court Circuit has increased substantially in recent years; that the crowded court dockets in the Tenth Circuit result in serious delay in the administration of justice in the district; that this Act is designed to provide additional judges to serve the Tenth Circuit and to thereby improve and promote the administration of justice in the circuit and should be given effect immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1985 (1st Ex. Sess.), No. 7, § 4: June 22, 1985; Acts 1985 (1st Ex. Sess.), No. 22, § 4: June 26, 1985. Emergency clauses provided: "It is hereby found and determined by the General Assembly that Act 159 of 1985 created an additional circuit judgeship and additional chancery judgeship for the Tenth Circuit; that in order to provide for the efficient and effective administration of justice in the Tenth Circuit, the circuit court and chancery court of that circuit should be divided into divisions; and that this Act so provides and therefore should be given effect immediately in order to allow its implementation at the time the additional judges are appointed under Act 159 of 1985. Therefore, an emergency is hereby declared to exist and this Act, being necessary for the preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval."

Acts 1989, No. 949, § 8: Mar. 27, 1989. Emergency clause provided: "It is hereby found and determined by the General Assembly that the juvenile division of chancery court is to be created to replace the

juvenile court system provided for in Act 14 of 1987 and that the immediate passage of this Act is necessary to insure that there is an orderly and efficient administration of the juvenile justice system of this state. Therefore, an emergency is

hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

16-13-1801. Composition.

The Tenth Judicial District shall be composed of the counties of Ashley, Bradley, Chicot, Desha, and Drew.

History. Acts 1977, No. 432, § 1; A.S.A. 1947, § 22-365.

CASE NOTES

Cited: *Beaumont v. Adkisson*, 267 Ark. State, 322 Ark. 543, 910 S.W.2d 667 511, 593 S.W.2d 11 (1980); *Caldwell v.* (1995).

16-13-1802. Terms of court.

The terms of court in each county in the Tenth Judicial District shall commence on the dates set forth below:

(1) Ashley County: On the third Monday in March and the third Monday in October;

(2) Bradley County: On the first Monday in February and the second Monday in September;

(3) Chicot County: On the second Monday in July and the first Monday in December; and

(4) Drew County: On the third Monday in February and the third Monday in September.

History. Acts 1893, No. 56, § 6, p. 84; 1911, No. 290, § 1; 1919, No. 102, § 1; 1953, No. 199, § 11; A.S.A. 1947, § 22-310; Acts 1991, No. 290, § 3.

A.C.R.C. Notes. Acts 1991, No. 290, § 1, provided: "Effective January 1, 1992, the separate circuit, chancery and probate courts now provided by law in Desha County of the Tenth (10th) Judicial District and known as the Arkansas City

District and the McGehee District are abolished."

Acts 1991, No. 290, § 2, provided: "From and after the effective date of this act, when the separate judicial districts of Desha County are abolished, the municipal courts of McGehee and Dumas shall each have concurrent jurisdiction which is coextensive with Desha County."

CASE NOTES

Cited: *Bradley v. State*, 213 Ark. 927, 213 S.W.2d 901 (1948); *Gentry v. Jett*, 173 F. Supp. 722 (W.D. Ark. 1959); *Midwest Timber Prods. Co. v. Self*, 230 Ark. 872, 327 S.W.2d 730 (1959); *Fitzwater v. Harris*, 231 Ark. 173, 328 S.W.2d 501 (1959);

Hammond v. Kirby, 233 Ark. 560, 345 S.W.2d 910 (1961); *Central Cas. Co. v. State*, 233 Ark. 832, 349 S.W.2d 135 (1961); *Stewart v. Stephens*, 244 F. Supp. 982 (E.D. Ark. 1965); *Givens v. State*, 243 Ark. 16, 418 S.W.2d 629 (1967); *Fields v.*

State, 246 Ark. 1249, 441 S.W.2d 803 (1969); Thorne v. State, 247 Ark. 346, 445 S.W.2d 481 (1969); McDonald v. State, 253 Ark. 23, 484 S.W.2d 345 (1972); O'Neal v. State, 253 Ark. 574, 487 S.W.2d 618 (1972); Peek v. Meadors, 255 Ark. 347, 500 S.W.2d 333 (1973); Bakri v. State, 261 Ark. 765, 551 S.W.2d 215 (1977); Campbell v.

State, 264 Ark. 372, 571 S.W.2d 597 (1978); Walker v. Lockhart, 620 F.2d 683 (8th Cir. 1980); Wright v. State, 270 Ark. 78, 603 S.W.2d 408 (1980); Anderson v. Hargraves, 272 Ark. 259, 613 S.W.2d 587 (1981); State v. Washington, 273 Ark. 82, 617 S.W.2d 3 (1981); Bosnick v. State, 275 Ark. 52, 627 S.W.2d 23 (1982).

16-13-1803. Judges and chancellors generally.

(a) The qualified electors of the Tenth Judicial District shall elect:

(1) Two (2) circuit judges and two (2) chancellors, including the additional judges provided for in Acts 1985, No. 159, § 2; and

(2) One (1) circuit-chancery judge.

(b)(1) The judge of the judgeship created by subdivision (a)(2) of this section shall be the judge of the juvenile division of chancery court. The judge shall serve as judge of the juvenile division in lieu of the judge who would otherwise be designated as judge of the juvenile division of chancery court in the judicial district.

(2) The judge of the additional circuit-chancery judgeship created in subdivision (a)(2) of this section shall devote such time as may be required to perform the duties of judge of the juvenile division, which duties shall be the primary obligation of the judge, and shall sit as judge of the circuit, chancery, or probate court as time permits.

History. Acts 1977, No. 432, § 1; 1985, No. 159, § 1; A.S.A. 1947, §§ 22-365, 22-375; Acts 1989, No. 949, § 1.

A.C.R.C. Notes. Acts 1989, No. 949, § 1, provided, in part, that the judgeships created by that section shall be effective on and after August 1, 1989, and that the Governor shall appoint a person to serve in each position from August 1, 1989, through December 31, 1990.

The section further provided: "The qualified electors of the respective judicial circuits shall elect the additional circuit-chancery judges at the November, 1990, General Election to take office on January 1, 1991. The additional judges shall be in the same manner and shall satisfy the same qualifications for holding office and shall receive the same salary, expenses and other allowances as provided by law for judges of circuit-chancery courts. The judges shall serve for elected terms of four (4) years."

Acts 1989, No. 949, § 3, provided: "In each judicial circuit in which an additional circuit-chancery judge is created pursuant to this Act, the county or counties located in the judicial circuit shall provide courtroom and office facilities and

supplies required for the juvenile division of the chancery court of the county, which shall be paid out of the county treasury of the county or counties in the same manner as other demands against the county or counties, out of funds appropriated by the quorum court of the county or counties for such purposes."

Acts 1989, No. 949, § 5, provided: "In each judicial circuit in which an additional circuit-chancery judgeship is created pursuant to this Act, there shall be provided a court reporter whose salary shall be fixed and paid in the manner provided by law for court reporters of the circuit and chancery courts of this state."

Publisher's Notes. Acts 1985, No. 159, § 2, provided that an additional circuit judge and an additional chancery judge should be appointed by the Governor to take office on July 1, 1985, and to serve until January 1, 1987, and until their successors were elected and qualified, and further provided that the successor judges should be elected at the general election in 1986, to take office on January 1, 1987, and thereafter as provided by law.

Acts 1985, No. 159, § 4, authorized each of the additional circuit and chancery

judges to employ an additional court reporter who should receive such compensation as provided by law.

CASE NOTES

Cited: Beaumont v. Adkisson, 267 Ark. 511, 593 S.W.2d 11 (1980).

16-13-1804. Assignment of cases.

(a) The circuit and chancery judges of the Tenth Judicial District may, by agreement, hold either of the circuit or chancery courts in the Tenth Judicial District and may hear and try matters pending in any of the courts or may hear and try matters pending in the same court at the same time.

(b) The judges of the Tenth Judicial District may adopt such rules as they deem appropriate for the assignment of cases in the circuit and chancery courts of the Tenth Judicial District.

History. Acts 1985, No. 159, § 3; A.S.A. 1947, § 22-375.2.

16-13-1805. Divisions of court.

(a)(1) The circuit court of the Tenth Judicial District is divided into two (2) divisions.

(2) The circuit judge serving on June 22, 1985, and his or her successor shall be the circuit judge of the first division, and the circuit judge appointed pursuant to Acts 1985, No. 159, § 2, and his or her successor shall be the circuit judge of the second division.

(b)(1) The chancery court of the Tenth Judicial District is divided into two (2) divisions.

(2) The chancery judge serving on June 22, 1985, and his or her successor shall be the chancery judge of the first division, and the chancery judge appointed pursuant to Acts 1985, No. 159, § 2, and his or her successor shall be the chancery judge of the second division.

History. Acts 1985 (1st Ex. Sess.), No. 7, §§ 1, 2; 1985 (1st Ex. Sess.), No. 22, §§ 1, 2; A.S.A. 1947, §§ 22-330, 22-330.1.

Publisher's Notes. As to the provisions of Acts 1985, No. 159, § 2, see Publisher's Notes to § 16-13-1803.

SUBCHAPTER 19 — ELEVENTH JUDICIAL CIRCUIT

- SECTION.
16-13-1901. Composition.
16-13-1902. Terms of court.
16-13-1903. Judges, chancellors, and prosecuting attorney.
16-13-1904. Exchange of districts.

- SECTION.
16-13-1905. Court reporter, case coordinator, and other personnel.
16-13-1906. Case coordinators.

A.C.R.C. Notes. Section 19 of Amendment 80 to the Arkansas Constitution provided that all sitting circuit, chancery, and circuit chancery judges at the time the amendment took effect were to continue in office as circuit judges and that circuit courts were to have jurisdiction of all matters previously dealt with by circuit, chancery, and probate courts, including juvenile matters.

Acts 2001, No. 951, § 13, provided: "Eleventh Judicial Circuit East. The circuit-chancery judgeship which is presently held by Russell Rogers shall be known and designated as Circuit Court, Division 1."

Acts 2001, No. 951, § 14, provided: "Eleventh Judicial Circuit West. (a) The circuit judgeship which is currently designated as Circuit Division 1 and presently held by Berlin Jones shall be known and designated as Circuit Court, Division 1.

"(b) The circuit judgeship which is currently designated as Circuit Division 2 and presently held by H.A. Taylor shall be known and designated as Circuit Court, Division 2.

"(c) The chancery judgeship which is currently designated as Chancery Division 1 and presently held by Eugene "Kayo" Harris shall be known and designated as Circuit Court, Division 3.

"(d) The chancery judgeship which is currently designated as Chancery Division 2 and presently held by Leon Jamison shall be known and designated as Circuit Court, Division 4.

"(e) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 3 and presently held by Fred D. Davis shall be known and designated as Circuit Court, Division 5.

"(f) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 4 and presently held by Thomas E. Brown shall be known and designated as Circuit Court, Division 6."

Acts 2001, No. 951, § 29, provided: "The word 'Division' as used in this act shall refer only to the designation of the judicial positions for election purposes and does not refer to 'subject matter divisions' pursuant to Amendment 80, Section 6 of the Arkansas Constitution."

Acts 2001, No. 951, § 30, provided: "Should any additional circuit judgeships be created in a judicial circuit, there shall be created within that judicial circuit, an

additional Division which shall be numbered sequentially and the judge appointed or elected thereto shall serve as the judge of the additional Division."

Publisher's Notes. Acts 1981, No. 609, § 4, provided that the division of the Eleventh Judicial District into East and West districts was effective January 1, 1983.

Effective Dates. Acts 1893, No. 56, § 12: effective on passage.

Acts 1911, No. 290, § 2: effective 90 days after passage.

Acts 1919, No. 102, § 2: effective on passage. Emergency declared. Approved Feb. 20, 1919.

Acts 1921, No. 3, § 5: effective on passage. Emergency declared. Approved Jan. 20, 1921.

Acts 1947, No. 245, § 3: July 1, 1947.

Acts 1947, No. 246, § 2: effective 30 days after passage. Emergency declared. Approved Mar. 18, 1947.

Acts 1979, No. 771, § 11: Apr. 6, 1979. Emergency clause provided: "It is found and hereby declared by the General Assembly that because of the passage of Act 432 of 1977, the counties making up the Thirteenth Circuit-Chancery Court Circuit of Arkansas were changed effective January 1, 1979; that the terms of circuit court in the various counties of the circuit were left in conflict; that no provision was made for divisions in the multi-judge Thirteenth Court Circuit and no method was fixed to assign cases to the various judges of the court circuit. Therefore, an emergency is hereby declared to exist, and this Act being necessary for the preservation of the public peace, health, and safety shall be in full force and effect on and after the date of its passage and approval."

Acts 1983, No. 922, § 18: July 1, 1983. Emergency clause provided: "It is hereby found and determined by the Seventy-Fourth General Assembly that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1983 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1983 could work irreparable harm upon the proper administration and provision of essential governmental programs; and that the immediate effectiveness of Sec-

tion 3 of this Act is essential to maintaining the fiscal integrity of the Judges Retirement Fund which would otherwise work irreparable harm upon the provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect as follows: Section 3 of this Act shall be effective immediately upon passage and approval of this Act; and all other sections and provisions of this Act shall be effective from and after July 1, 1983."

Acts 1987, No. 444, § 7: Mar. 27, 1987. Emergency clause provided: "It is hereby found and determined by the General Assembly that the case load of the courts of the Eleventh Judicial Circuit-West has increased significantly in recent years and that this is due largely to the fact that various actions filed by and proceedings concerning inmates of the State Department of Correction must be handled in the Eleventh Judicial Circuit-West; that it is essential to the prompt, effective and efficient administration of justice in the Eleventh Judicial Circuit-West that an addi-

tional judgeship be created with combined circuit and chancery jurisdiction and to have the primary responsibility for handling matters involving inmates of the Department of Correction; that this act is designed to accomplish this purpose and should be given effect immediately. Therefore, an emergency is hereby declared to exist and this act, being necessary for the preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval."

Acts 1989, No. 949, § 8: Mar. 27, 1989. Emergency clause provided: "It is hereby found and determined by the General Assembly that the juvenile division of chancery court is to be created to replace the juvenile court system provided for in Act 14 of 1987 and that the immediate passage of this Act is necessary to insure that there is an orderly and efficient administration of the juvenile justice system of this state. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

16-13-1901. Composition.

(a) The Eleventh Judicial District-East shall be composed of Arkansas County.

(b) The Eleventh Judicial District-West shall be composed of the counties of Jefferson and Lincoln.

History. Acts 1977, No. 432, § 1; 1981, No. 609, § 1; 1983, No. 922, § 15; A.S.A. 1947, § 22-365.

CASE NOTES

Cited: *Beaumont v. Adkisson*, 267 Ark. 511, 593 S.W.2d 11 (1980).

16-13-1902. Terms of court.

The terms of court in each county in the Eleventh Judicial District shall commence on the dates set forth below:

(1)(A) In the Northern District of Arkansas County: On the first Mondays in April and November; and

- (B) In the Southern District of Arkansas County: On the second Monday in March and the first Monday in August;
- (2) Jefferson County: On the first Mondays in March and October; and
- (3) Lincoln County: On the second Mondays in February and September.

History. Acts 1893, No. 56, § 6, p. 84; 246, § 1; 1953, No. 318, § 1; 1979, No. 1911, No. 290, § 1; 1919, No. 102, § 1 771, § 10; A.S.A. 1947, §§ 22-310, 22-310n.
(Special Acts); 1921, No. 3, §§ 1, 2; 1943, No. 85, § 1; 1947, No. 245, § 1; 1947, No.

CASE NOTES

Cited: *Bradley v. State*, 213 Ark. 927, 213 S.W.2d 901 (1948); *Gentry v. Jett*, 173 F. Supp. 722 (W.D. Ark. 1959); *Midwest Timber Prods. Co. v. Self*, 230 Ark. 872, 327 S.W.2d 730 (1959); *Fitzwater v. Harris*, 231 Ark. 173, 328 S.W.2d 501 (1959); *Hammond v. Kirby*, 233 Ark. 560, 345 S.W.2d 910 (1961); *Central Cas. Co. v. State*, 233 Ark. 832, 349 S.W.2d 135 (1961); *Stewart v. Stephens*, 244 F. Supp. 982 (E.D. Ark. 1965); *Givens v. State*, 243 Ark. 16, 418 S.W.2d 629 (1967); *Fields v. State*, 246 Ark. 1249, 441 S.W.2d 803 (1969); *Thorne v. State*, 247 Ark. 346, 445 S.W.2d 481 (1969); *McDonald v. State*, 253 Ark. 23, 484 S.W.2d 345 (1972); *O'Neal v. State*, 253 Ark. 574, 487 S.W.2d 618 (1972); *Peek v. Meadors*, 255 Ark. 347, 500 S.W.2d 333 (1973); *Bakri v. State*, 261 Ark. 765, 551 S.W.2d 215 (1977); *Campbell v. State*, 264 Ark. 372, 571 S.W.2d 597 (1978); *Walker v. Lockhart*, 620 F.2d 683 (8th Cir. 1980); *Wright v. State*, 270 Ark. 78, 603 S.W.2d 408 (1980); *Anderson v. Hargraves*, 272 Ark. 259, 613 S.W.2d 587 (1981); *State v. Washington*, 273 Ark. 82, 617 S.W.2d 3 (1981); *Bosnick v. State*, 275 Ark. 52, 627 S.W.2d 23 (1982).

16-13-1903. Judges, chancellors, and prosecuting attorney.

(a)(1) The qualified electors of the Eleventh Judicial District-West shall elect:

- (A) Two (2) circuit judges;
- (B) Two (2) chancellors;
- (C) One (1) combination circuit-chancery judge;
- (D) One (1) circuit-chancery judge; and
- (E) One (1) prosecuting attorney.

(2) The judge of the circuit-chancery judgeship created for the Eleventh Judicial District-West by subdivision (a)(1)(C) of this section shall devote one-half ($\frac{1}{2}$) of his or her time to the chancery and probate proceedings and one-half ($\frac{1}{2}$) of his or her time to the circuit proceedings, including, but not limited to:

(A) Presiding over all post-conviction proceedings in the Eleventh Judicial District-West;

(B) Presiding over all matters involving acts committed by inmates of the Department of Correction over which the Eleventh Judicial District-West has jurisdiction; and

(C) Hearing all civil actions filed by inmates of the Department of Correction over which the Eleventh Judicial District-West has jurisdiction.

(3)(A) The judge of the judgeship created by subdivision (a)(1)(D) of this section shall be the judge of the juvenile division of chancery court. The judge shall serve as judge of the juvenile division in lieu of the judge who would otherwise be designated as judge of the juvenile division of chancery court in the judicial district.

(B) The judge of the additional circuit-chancery judgeship created in subdivision (a)(1)(D) of this section shall devote such time as may be required to perform the duties of judge of the juvenile division, which duties shall be the primary obligation of the judge, and shall sit as judge of the circuit, chancery, or probate court as time permits.

(b) The qualified electors of the Eleventh Judicial District-East shall elect one (1) circuit-chancery court judge, who shall have jurisdiction in law, equity, and probate.

History. Acts 1977, No. 432, § 1; 1981, No. 609, § 1; 1983, No. 922, § 15; A.S.A. 1947, § 22-365; Acts 1987, No. 444, §§ 1, 3; 1989, No. 949, § 1.

A.C.R.C. Notes. Acts 1989, No. 949, § 1, provided, in part, that the judgeships created by that section shall be effective on and after August 1, 1989, and that the Governor shall appoint a person to serve in each position from August 1, 1989, through December 31, 1990.

The section further provided: "The qualified electors of the respective judicial circuits shall elect the additional circuit-chancery judges at the November, 1990, General Election to take office on January 1, 1991. The additional judges shall be in the same manner and shall satisfy the same qualifications for holding office and shall receive the same salary, expenses and other allowances as provided by law for judges of circuit-chancery courts. The judges shall serve for elected terms of four (4) years."

Acts 1989, No. 949, § 3, provided: "In each judicial circuit in which an additional circuit-chancery judge is created pursuant to this Act, the county or counties located in the judicial circuit shall provide courtroom and office facilities and supplies required for the juvenile division of the chancery court of the county, which shall be paid out of the county treasury of the county or counties in the same manner as other demands against the county or counties, out of funds appropriated by the quorum court of the county or counties for such purposes."

Acts 1989, No. 949, § 5, provided: "In each judicial circuit in which an additional circuit-chancery judgeship is cre-

ated pursuant to this Act, there shall be provided a court reporter whose salary shall be fixed and paid in the manner provided by law for court reporters of the circuit and chancery courts of this state."

Acts 1997, No. 274, § 1 provided: "(a) There is hereby created the temporary position of a Fifth Division of the Chancery Court of the Eleventh Judicial Circuit-West, which position shall expire on December 31, 1998.

"(b) The position of chancellor of the Fifth Division of the Chancery Court shall be filled by appointment by the Governor as authorized by law.

"(c) The judge of the Fifth Division of the Chancery Court shall be assigned cases by the Chief Justice of the Supreme Court; that the chancellor of the Fifth Division shall handle all cases of the First and Second Divisions of the Eleventh Judicial Circuit-West in which the judges of those courts have recused and such other duties in the Eleventh Judicial Circuit-West as may be assigned by the Chief Justice.

"(d) In addition to the duties prescribed in subsection (c) above, the chancellor of the Fifth Division may be assigned to any and all other chancery circuits of the State of Arkansas where the local chancellor or chancellors have recused or have been disqualified.

"(e) The chancellor of the Fifth Division shall receive compensation at the same rate as fixed by law for regularly elected chancery judges.

"(f) The chancellor of the Fifth Division may appoint a court reporter as provided by law, whose salary and expenses shall be paid from the Court Reporter's Fund.

“(g) The chancellor of the Fifth Division shall also employ one staff person in accordance with § 10-16-133 to perform secretarial duties, management services, and such other duties as may be prescribed by the chancellor; that pursuant to § 10-16-

133 the chancellor of the Fifth Division shall have the authority to select and hire the person who will serve, and any person so employed shall serve at the will and pleasure of the judge.”

CASE NOTES

Cited: *Beaumont v. Adkisson*, 267 Ark. 511, 593 S.W.2d 11 (1980).

16-13-1904. Exchange of districts.

The judges of the Eleventh Judicial District-East and the Eleventh Judicial District-West may, by agreement, temporarily exchange districts or hold court for each other as they deem necessary or appropriate.

History. Acts 1977, No. 432, § 1; 1981, No. 609, § 1; 1983, No. 922, § 15; A.S.A. 1947, § 22-365.

CASE NOTES

Cited: *Beaumont v. Adkisson*, 267 Ark. 511, 593 S.W.2d 11 (1980).

16-13-1905. Court reporter, case coordinator, and other personnel.

The circuit-chancery judge of the Eleventh Judicial District-West created by § 16-13-1903(a)(1)(C) is authorized to employ a court reporter, a case coordinator, and such other personnel as shall be necessary for the court to effectively and efficiently carry out its responsibilities.

History. Acts 1987, No. 444, § 4.

CASE NOTES

Cited: *Villines v. Tucker*, 324 Ark. 13, 918 S.W.2d 153 (1996).

16-13-1906. Case coordinators.

(a) Each of the circuit and chancery judges of the Eleventh Judicial District-West shall be empowered and directed to employ a case coordinator for each division whose duties shall be the maintenance of the court calendar, setting dates for trial of cases and for hearing of motions, and other related and incidental duties as directed by said judges.

(b) The case coordinators shall be appointed by the judges of the Eleventh Judicial District-West, one (1) for each court, and shall serve at the will of the respective judge.

(c) In lieu of any other expenses incurred by each court provided by law for the Eleventh Judicial District-West, each county of the district shall be responsible each year for the following amounts:

- (1) Lincoln County Two thousand dollars (\$2,000); and
- (2) Jefferson County All other expenses not otherwise provided for by law.

History. Acts 1989, No. 7, §§ 1, 2, 4.

A.C.R.C. Notes. Acts 1989 (1st Ex. Sess.), No. 63, § 3, provided:

“(a) The salary of each of the Case Coordinators of the Eleventh Judicial Circuit-West for the period July 1, 1989, through December 31, 1989, shall be not less than at the rate of Nineteen Thousand Nine Hundred Sixty-one dollars (\$19,961) per year, and shall be paid by the counties in the Circuit, as follows:

“Jefferson County at the rate of Nineteen Thousand Seventy-nine dollars (\$19,079) per year, payable to each Case Coordinator in equal monthly installments.

“Lincoln County at the rate of Eight Hundred Eighty-two dollars (\$882) per year, payable to each Case Coordinator in equal monthly installments.

“(b) The salary of each of the Case Coordinators of the Eleventh Judicial Circuit-West beginning January 1, 1990, shall be at the rate of Twenty-two Thou-

sand Sixty Dollars (\$22,060) per year and shall be paid by the counties in the Circuit as follows:

“Jefferson County at the rate of Twenty-one Thousand One Hundred Seventy-eight Dollars (\$21,178) per year, payable to each Case Coordinator in equal monthly installments.

“Lincoln County at the rate of Eight Hundred Eighty-two Dollars (\$882) per year, payable to each Case Coordinator in equal monthly installments.

“(c) Beginning July 1, 1989 Lincoln County shall no longer be responsible for the expenses provided in Section 4 of Act 7 of 1989.”

Publisher's Notes. Acts 1989, No. 7, § 5, provided that this act shall be retroactive to January 1, 1989.

Acts 1989, No. 7, § 8, provided that nothing in this act shall be construed to prevent the respective Quorum Courts of the counties in the district from paying more than the amounts set forth in this act.

CASE NOTES

Cited: Villines v. Tucker, 324 Ark. 13, 918 S.W.2d 153 (1996).

SUBCHAPTER 20 — TWELFTH JUDICIAL CIRCUIT

SECTION.

16-13-2001. Composition.

16-13-2002. Terms of court.

SECTION.

16-13-2003. Judges and chancellors.

A.C.R.C. Notes. Acts 2001, No. 951, § 15, provided: “Twelfth Judicial Circuit.

“(a) The circuit judgeship which is currently designated as Circuit Division 1 and presently held by J. Michael Fitzhugh

shall be known and designated as Circuit Court, Division 5.

“(b) The circuit judgeship which is currently designated as Circuit Division 2 and presently held by Jim Marschewski

shall be known and designated as Circuit Court, Division 6.

“(c) The chancery judgeship which is currently designated as Chancery Division 1 and presently held by Norman Wilkinson shall be known and designated as Circuit Court, Division 1.

“(d) The chancery judgeship which is currently designated as Chancery Division 2 and presently held by Harry Foltz shall be known and designated as Circuit Court, Division 2.

“(e) The chancery judgeship which is currently designated as Chancery Division 3 and presently held by Jim Spears shall be known and designated as Circuit Court, Division 3.

“(f) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 4 and presently held by Mark Hewett shall be known and designated as Circuit Court, Division 4.”

Acts 2001, No. 951, § 29, provided: “The word ‘Division’ as used in this act shall refer only to the designation of the judicial positions for election purposes and does not refer to ‘subject matter divisions’ pursuant to Amendment 80, Section 6 of the Arkansas Constitution.”

Acts 2001, No. 951, § 30, provided: “Should any additional circuit judgeships be created in a judicial circuit, there shall be created within that judicial circuit, an additional Division which shall be numbered sequentially and the judge appointed or elected thereto shall serve as the judge of the additional Division.”

Effective Dates. Acts 1889, No. 31, § 9: effective on passage.

Acts 1981 (Ex. Sess.), No. 38, § 5: Jan. 1, 1982. Emergency clause provided: “It

being determined by the General Assembly that the proper and effective management of the State Judicial System and the administration of justice requires that the provisions of this Act be implemented as soon as possible and this Act is necessary for the proper management of the judicial system of the State, therefore, an emergency is hereby declared to exist and this Act, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after January 1, 1982.”

Acts 1989, No. 949, § 8: Mar. 27, 1989. Emergency clause provided: “It is hereby found and determined by the General Assembly that the juvenile division of chancery court is to be created to replace the juvenile court system provided for in Act 14 of 1987 and that the immediate passage of this Act is necessary to insure that there is an orderly and efficient administration of the juvenile justice system of this state. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.”

Acts 1991, Nos. 97 and 147, § 5: Feb. 12, 1991 and Feb. 18, 1991, respectively. Emergency clause provided: “It is hereby found and determined by the General Assembly that the new judgeship created herein is necessary to insure the orderly and efficient administration of justice within the Twelfth (12th) District. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.”

16-13-2001. Composition.

The Twelfth Judicial District shall be composed of Sebastian County.

History. Acts 1977, No. 432, § 1; A.S.A., 1947, § 22-365; Acts 1995, No. 900, § 1.

CASE NOTES

Cited: *Beaumont v. Adkisson*, 267 Ark. 511, 593 S.W.2d 11 (1980).

16-13-2002. Terms of court.

The terms of court in the Twelfth Judicial District shall commence on the dates set forth below:

(1) In the Fort Smith District of Sebastian County: On the first Mondays in February, June, and October; and

(2) In the Greenwood District of Sebastian County: On the second Mondays in March and September.

History. Acts 1977, No. 432, § 1; A.S.A. 1947, § 22-365; Acts 1995, No. 900, § 2.

CASE NOTES

Cited: Bradley v. State, 213 Ark. 927, 213 S.W.2d 901 (1948); Gentry v. Jett, 173 F. Supp. 722 (W.D. Ark. 1959); Midwest Timber Prods. Co. v. Self, 230 Ark. 872, 327 S.W.2d 730 (1959); Fitzwater v. Harris, 231 Ark. 173, 328 S.W.2d 501 (1959); Hammond v. Kirby, 233 Ark. 560, 345 S.W.2d 910 (1961); Central Cas. Co. v. State, 233 Ark. 832, 349 S.W.2d 135 (1961); Stewart v. Stephens, 244 F. Supp. 982 (E.D. Ark. 1965); Givens v. State, 243 Ark. 16, 418 S.W.2d 629 (1967); Fields v. State, 246 Ark. 1249, 441 S.W.2d 803 (1969); Thorne v. State, 247 Ark. 346, 445

S.W.2d 481 (1969); McDonald v. State, 253 Ark. 23, 484 S.W.2d 345 (1972); O'Neal v. State, 253 Ark. 574, 487 S.W.2d 618 (1972); Peek v. Meadors, 255 Ark. 347, 500 S.W.2d 333 (1973); Bakri v. State, 261 Ark. 765, 551 S.W.2d 215 (1977); Campbell v. State, 264 Ark. 372, 571 S.W.2d 597 (1978); Walker v. Lockhart, 620 F.2d 683 (8th Cir. 1980); Wright v. State, 270 Ark. 78, 603 S.W.2d 408 (1980); Anderson v. Hargraves, 272 Ark. 259, 613 S.W.2d 587 (1981); State v. Washington, 273 Ark. 82, 617 S.W.2d 3 (1981); Bosnick v. State, 275 Ark. 52, 627 S.W.2d 23 (1982).

16-13-2003. Judges and chancellors.

(a) The qualified electors of the Twelfth Judicial District shall elect:

(1) Two (2) circuit judges;

(2) Two (2) chancellors; and

(3) One (1) circuit-chancery judge.

(b)(1) In the Twelfth Judicial District there shall be one (1) additional circuit-chancery judgeship, which shall have jurisdiction in law, equity, and probate.

(2) Effective July 1, 1991, the circuit-chancery judgeship created by this subsection shall become a circuit judgeship which shall have jurisdiction only in law.

(c) Effective July 1, 1991, there is hereby created an additional chancery judgeship in the Twelfth Judicial District which shall have jurisdiction in equity and probate.

(d)(1) Each judge of the judgeship created by subdivision (a)(3) of this section shall be the judge of the juvenile division of chancery court. The judge shall serve as judge of the juvenile division in lieu of the judge who would otherwise be designated as judge of the juvenile division of chancery court in the Twelfth Judicial District.

(2) The judge of the additional circuit-chancery judgeship created in subdivision (a)(3) of this section shall devote such time as may be required to perform the duties of judge of the juvenile division, which

duties shall be the primary obligation of the judge, and shall sit as judge of the circuit, chancery, or probate court as time permits.

History. Acts 1977, No. 432, § 1; 1981 (Ex. Sess.), No. 38, § 1; A.S.A. 1947, §§ 22-365, 22-373; Acts 1989, No. 949, § 1; 1991, No. 97, § 1; 1991, No. 147, § 1.

A.C.R.C. Notes. Section 19 of Amendment 80 to the Arkansas Constitution provided that all sitting circuit, chancery, and circuit chancery judges at the time the amendment took effect were to continue in office as circuit judges and that circuit courts were to have jurisdiction of all matters previously dealt with by circuit, chancery, and probate courts, including juvenile matters.

Acts 1989, No. 949, § 1, provided, in part, that the judgeships created by that section shall be effective on and after August 1, 1989, and that the Governor shall appoint a person to serve in each position from August 1, 1989, through December 31, 1990.

The section further provided: "The qualified electors of the respective judicial circuits shall elect the additional circuit-chancery judges at the November, 1990, General Election to take office on January 1, 1991. The additional judges shall be in the same manner and shall satisfy the same qualifications for holding office and shall receive the same salary, expenses and other allowances as provided by law for judges of circuit-chancery courts. The judges shall serve for elected terms of four (4) years."

Acts 1989, No. 949, § 3, provided: "In each judicial circuit in which an additional circuit-chancery judge is created pursuant to this Act, the county or coun-

ties located in the judicial circuit shall provide courtroom and office facilities and supplies required for the juvenile division of the chancery court of the county, which shall be paid out of the county treasury of the county or counties in the same manner as other demands against the county or counties, out of funds appropriated by the quorum court of the county or counties for such purposes."

Acts 1989, No. 949, § 5, provided: "In each judicial circuit in which an additional circuit-chancery judgeship is created pursuant to this Act, there shall be provided a court reporter whose salary shall be fixed and paid in the manner provided by law for court reporters of the circuit and chancery courts of this state."

Acts 1991, Nos. 97 and 147, § 1, provided, in part, that the Governor shall appoint a person to serve in the position created in subsection (c) from July 1, 1991 through December 31, 1992, and that the qualified electors shall elect the judge at the November, 1992 general election to take office January 1, 1993. The section further authorized the chancery judge created by subsection (c) to employ a court reporter, a case coordinator, and such other personnel as shall be necessary for the court to effectively and efficiently carry out its responsibilities.

Acts 1995, No. 900, § 5, provided: "As of January 1, 1997, the Circuit Judge Division 1 of the Twelfth Judicial District is hereby designated as the Circuit/Chancery Judge of the Twenty-First Judicial District."

CASE NOTES

Cited: *Beaumont v. Adkisson*, 267 Ark. 511, 593 S.W.2d 11 (1980); *Lee v. Lee*, 330 Ark. 310, 954 S.W.2d 231 (1997).

SUBCHAPTER 21 — THIRTEENTH JUDICIAL CIRCUIT

SECTION.

16-13-2101. Composition.

16-13-2102. Terms of court.

SECTION.

16-13-2103. Judges and chancellors.

16-13-2104. Divisions of court.

A.C.R.C. Notes. Acts 2001, No. 951, § 16, provided: "Thirteenth Judicial Circuit. (a) The circuit judgeship which is currently designated as Circuit Division 2 and presently held by David Guthrie shall be known and designated as Circuit Court, Division 6.

"(b) The chancery judgeship which is currently designated as Chancery Division 1 and presently held by Hamilton Singleton shall be known and designated as Circuit Court, Division 1.

"(c) The chancery judgeship which is currently designated as Chancery Division 2 and presently held by Edward Jones shall be known and designated as Circuit Court, Division 2.

"(d) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 3 and presently held by Edwin Keaton shall be known and designated as Circuit Court, Division 3.

"(e) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 4 and presently held by Carol Anthony shall be known and designated as Circuit Court, Division 4.

"(f) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 5 and presently held by Larry Chandler shall be known and designated as Circuit Court, Division 5."

Acts 2001, No. 951, § 29, provided: "The word 'Division' as used in this act shall refer only to the designation of the judicial positions for election purposes and does not refer to 'subject matter divisions' pursuant to Amendment 80, Section 6 of the Arkansas Constitution."

Acts 2001, No. 951, § 30, provided: "Should any additional circuit judgeships be created in a judicial circuit, there shall be created within that judicial circuit, an additional Division which shall be numbered sequentially and the judge appointed or elected thereto shall serve as the judge of the additional Division."

Effective Dates. Acts 1907, No. 460, § 4: effective first Monday in June, 1907.

Acts 1939, No. 22, § 5: approved Jan. 27, 1939. Emergency clause provided: "It is hereby ascertained and declared that by reason of the large increase in litigation due to the discovery of the new oil field in the Thirteenth Judicial Circuit, and to the extension of the Second Division of the Chancery Court of the Seventh Chancery Circuit to include the County of Columbia,

and the readjustment of the time of holding Court in the Seventh Chancery Circuit, which includes all the Thirteenth Circuit, and to the conflicts of the time for holding the regular terms of court of the Chancery and Circuit Courts, in the Thirteenth Judicial Circuit, thereby resulting in serious losses to the litigants and affecting their property rights, an emergency has arisen and is hereby declared to exist and for the preservation of the public peace, health, and safety, this Act shall take effect and be in force from and after its passage."

Acts 1941, No. 49, § 3: July 1, 1941.

Acts 1949, No. 52, § 14: approved Feb. 8, 1949. Emergency clause provided: "It is hereby ascertained and declared that by reason of the increase of litigation due to the development of the oil fields in the counties affected, which litigation in a large part is over the production of oil and gas, to delay which would seriously affect rights of persons and property rights, an emergency is hereby declared to exist and that this Act is immediately necessary for the preservation of the public peace, health and safety, and the same shall take effect and be in force upon its passage."

Acts 1949, No. 130, § 2: effective on passage. Emergency declared. Approved Feb. 21, 1949.

Acts 1979, No. 771, § 11: Apr. 6, 1979. Emergency clause provided: "It is found and hereby declared by the General Assembly that because of the passage of Act 432 of 1977, the counties making up the Thirteenth Circuit-Chancery Court Circuit of Arkansas were changed effective January 1, 1979; that the terms of circuit court in the various counties of the circuit were left in conflict; that no provision was made for divisions in the multi-judge Thirteenth Court Circuit and no method was fixed to assign cases to the various judges of the court circuit. Therefore, an emergency is hereby declared to exist, and this Act being necessary for the preservation of the public peace, health, and safety shall be in full force and effect on and after the date of its passage and approval."

Acts 1983, No. 922, § 18: July 1, 1983. Emergency clause provided: "It is hereby found and determined by the Seventy-Fourth General Assembly that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness

of this Act on July 1, 1983 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1983 could work irreparable harm upon the proper administration and provision of essential governmental programs; and that the immediate effectiveness of Section 3 of this Act is essential to maintaining the fiscal integrity of the Judges Retirement Fund which would otherwise work irreparable harm upon the provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect as follows: Section 3 of this Act shall be effective immediately upon passage and approval of this Act; and all other sections and provisions of this Act shall be effective from and after July 1, 1983."

Acts 1989, No. 949, § 8: Mar. 27, 1989. Emergency clause provided: "It is hereby found and determined by the General Assembly that the juvenile division of chancery court is to be created to replace the juvenile court system provided for in Act 14 of 1987 and that the immediate passage of this Act is necessary to insure that there is an orderly and efficient administration of the juvenile justice system of this state. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1995, No. 41, § 7: Jan. 26, 1995. Emergency clause provided: "It is hereby

found and determined by the General Assembly of the State of Arkansas that the caseload of the Thirteenth Judicial District necessitates the appointment of an additional circuit-chancery judge immediately. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval."

Acts 1999, No. 5, § 6: Jan. 27, 1999. Emergency clause provided: "It is hereby found and determined by the Eighty-second General Assembly that conversion of the Circuit Division 1 judgeship of the Thirteenth Judicial District to a circuit-chancery judgeship is immediately necessary to insure the orderly and efficient administration of justice within the Thirteenth Judicial District; that the judge of Circuit Division 1 is the only judge in Columbia County; that converting the judgeship to a circuit-chancery judgeship will greatly improve and streamline the judicial system in Columbia County; and that this act is immediately necessary to more adequately distribute the caseload in the Thirteenth Judicial District. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

16-13-2101. Composition.

The Thirteenth Judicial District shall be composed of the counties of Calhoun, Cleveland, Columbia, Dallas, Ouachita, and Union.

History. Acts 1977, No. 432, § 1; 1983, No. 922, § 16; A.S.A. 1947, § 22-365.

CASE NOTES

Cited: *Beaumont v. Adkisson*, 267 Ark. 511, 593 S.W.2d 11 (1980).

16-13-2102. Terms of court.

The terms of the circuit court of the Thirteenth Judicial District shall begin in each county of the district as follows:

- (1) Calhoun County: On the second Mondays in January and July;
 - (2) Union County: On the second Mondays in March and September;
 - (3) Columbia County: On the second Mondays in April and October;
 - (4) Ouachita County: On the second Mondays in May and November;
 - (5) Dallas County: On the second Mondays in June and December;
- and
- (6) Cleveland County: On the second Mondays in February and August.

History. Acts 1907, No. 460, § 2, p. 1957, No. 402, § 1; 1959, No. 172, § 1; 1238; 1939, No. 22, § 1; 1941, No. 49, § 1; 1979, No. 771, § 10; A.S.A. 1947, §§ 22-1949, No. 52, § 11; 1949, No. 130, § 1; 310, 22-310n.

CASE NOTES

Cited: *Bradley v. State*, 213 Ark. 927, 213 S.W.2d 901 (1948); *Gentry v. Jett*, 173 F. Supp. 722 (W.D. Ark. 1959); *Midwest Timber Prods. Co. v. Self*, 230 Ark. 872, 327 S.W.2d 730 (1959); *Fitzwater v. Harris*, 231 Ark. 173, 328 S.W.2d 501 (1959); *Hammond v. Kirby*, 233 Ark. 560, 345 S.W.2d 910 (1961); *Central Cas. Co. v. State*, 233 Ark. 832, 349 S.W.2d 135 (1961); *Stewart v. Stephens*, 244 F. Supp. 982 (E.D. Ark. 1965); *Givens v. State*, 243 Ark. 16, 418 S.W.2d 629 (1967); *Fields v. State*, 246 Ark. 1249, 441 S.W.2d 803 (1969); *Thorne v. State*, 247 Ark. 346, 445

S.W.2d 481 (1969); *McDonald v. State*, 253 Ark. 23, 484 S.W.2d 345 (1972); *O'Neal v. State*, 253 Ark. 574, 487 S.W.2d 618 (1972); *Peek v. Meadors*, 255 Ark. 347, 500 S.W.2d 333 (1973); *Bakri v. State*, 261 Ark. 765, 551 S.W.2d 215 (1977); *Campbell v. State*, 264 Ark. 372, 571 S.W.2d 597 (1978); *Walker v. Lockhart*, 620 F.2d 683 (8th Cir. 1980); *Wright v. State*, 270 Ark. 78, 603 S.W.2d 408 (1980); *Anderson v. Hargraves*, 272 Ark. 259, 613 S.W.2d 587 (1981); *State v. Washington*, 273 Ark. 82, 617 S.W.2d 3 (1981); *Bosnick v. State*, 275 Ark. 52, 627 S.W.2d 23 (1982).

16-13-2103. Judges and chancellors.

(a) The qualified electors of the Thirteenth Judicial District shall elect:

- (1) One (1) circuit judge;
- (2) Two (2) chancellors;
- (3) One (1) circuit-chancery judge, juvenile division; and
- (4) Two (2) circuit-chancery judges.

(b)(1)(A) The judicial position of circuit judge created by Acts 1873, No. 53, and currently designated as Circuit Division 1, is converted to a circuit-chancery judge position and shall be designated as Circuit-Chancery Division 5.

(B) The judge of Circuit-Chancery Division 5 shall continue to be responsible for the duties formerly assigned to Circuit Division 1.

(2) The judicial position of circuit judge created by Acts 1925, No. 27, shall be designated as Circuit Division 2.

(c)(1) The judicial position of chancellor created by Acts 1903, No. 166, shall be designated as Chancery Division 1.

(2) The judicial position of chancellor created by Acts 1923, No. 372, shall be designated as Chancery Division 2.

(d)(1) The judicial position of circuit-chancery judge, juvenile division, created by Acts 1989, No. 949, shall be designated as Circuit-Chancery Division 3 for all jurisdictions.

(2) This judge shall devote such time as may be required to perform the duties of judge of the juvenile division, which duties shall be the primary obligation of the judge, and shall have jurisdiction in law, equity, and probate to hear other cases as time permits.

(e) The judicial position of circuit-chancery judge created by Acts 1995, No. 41, shall have jurisdiction in law, equity, and probate and shall be designated Circuit-Chancery Division 4 in all jurisdictions.

(f) If any additional judgeship is created, an additional division shall be established and the judge shall serve as the judge of the additional division.

History. Acts 1977, No. 432, § 1; 1983, No. 922, § 16; A.S.A. 1947, § 22-365; Acts 1989, No. 949, § 1; 1995, No. 41, § 1; 1997, No. 1141, § 1; 1999, No. 5, § 1.

A.C.R.C. Notes. Section 19 of Amendment 80 to the Arkansas Constitution provided that all sitting circuit, chancery, and circuit chancery judges at the time the amendment took effect were to continue in office as circuit judges and that circuit courts were to have jurisdiction of all matters previously dealt with by circuit, chancery, and probate courts, including juvenile matters.

Acts 1989, No. 949, § 1, provided, in part, that the judgeships created by that section shall be effective on and after August 1, 1989, and that the Governor shall appoint a person to serve in each position from August 1, 1989, through December 31, 1990.

The section further provided: "The qualified electors of the respective judicial circuits shall elect the additional circuit-chancery judges at the November, 1990, General Election to take office on January 1, 1991. The additional judges shall be in the same manner and shall satisfy the same qualifications for holding office and shall receive the same salary, expenses and other allowances as provided by law for judges of circuit-chancery courts. The judges shall serve for elected terms of four (4) years."

Acts 1989, No. 949, § 3, provided: "In each judicial circuit in which an additional circuit-chancery judge is created pursuant to this Act, the county or counties located in the judicial circuit shall provide courtroom and office facilities and supplies required for the juvenile division of the chancery court of the county, which shall be paid out of the county treasury of the county or counties in the same manner as other demands against the county or counties, out of funds appropriated by the quorum court of the county or counties for such purposes."

Acts 1989, No. 949, § 5, provided: "In each judicial circuit in which an additional circuit-chancery judgeship is created pursuant to this Act, there shall be provided a court reporter whose salary shall be fixed and paid in the manner provided by law for court reporters of the circuit and chancery courts of this state."

As enacted, subsection (c) began "Effective immediately upon passage and approval of this act."

Acts 1995, No. 41, § 1, provided, in part, that as soon as possible after the effective date of this act, the Governor shall appoint a qualified person to temporarily fill the Thirteenth Judicial District Circuit-Chancery judgeship created herein, and the appointed person shall serve until December 31, 1996, or until a successor has been elected and qualified,

whichever occurs last.

Acts 1995, No. 41, § 1, further provided: "The qualified electors of the Thirteenth Judicial District shall elect the additional circuit-chancery judge created herein at the November 1996 general election to take office on January 1, 1997. The additional judge shall be elected in the same manner and shall satisfy the same qualifications for holding office and shall receive the same salary, expenses, and other allowances as provided by law for judges of the circuit-chancery courts. The judge shall serve for elected terms of four (4) years."

Acts 1995, No. 41, § 2, provided: "The counties which comprise the Thirteenth

Judicial District shall provide courtroom and office facilities and supplies for the judge of the circuit-chancery judgeship created by this act, which shall be paid out of the county treasuries in the same manner as other demands against the counties, out of funds appropriated by the respective quorum courts of the counties for such purposes."

Acts 1995, No. 41, § 3, provided: "There shall be provided for the judge of the circuit-chancery judgeship created by this act a court reporter, whose salary shall be fixed and paid in the manner provided by law for court reporters of the circuit-chancery courts of this state."

CASE NOTES

Cited: *Beaumont v. Adkisson*, 267 Ark. 511, 593 S.W.2d 11 (1980).

16-13-2104. Divisions of court.

(a) There shall be four (4) divisions of circuit court and five (5) divisions of chancery court in the Thirteenth Judicial District of Arkansas as established in § 16-13-2103.

(b) A judge shall be elected for each division of the circuit and chancery courts of the Thirteenth Judicial District, and candidates for the offices shall designate and qualify as candidates for the particular division of the court to which they seek election.

(c)(1) The judges of the circuit court may try cases, hear matters, make orders, and take action in any division of the court and may assign or reassign any case from one (1) division to another by administrative order of the judges of the Thirteenth Judicial District.

(2) The judges of the chancery court may try cases, hear matters, make orders, and take action in any division of the court and may assign or reassign any case from one (1) division to another by administrative order of the judges of the Thirteenth Judicial District.

(3) The clerks of the circuit and chancery courts shall assign cases to the divisions therein in accordance with administrative orders of the judges of the Thirteenth Judicial District.

(d) Each division may have separate petit juries, or the divisions by concurrence of the judges may share a single petit jury wheel or box, or a single list of petit jurors.

(e) If any additional judgeship is created, the divisions created in subsection (a) of this section shall increase in accordance with the number of additional judgeships created.

History. Acts 1979, No. 771, §§ 1, 4-9; 22-333.27; Acts 1997, No. 1141, § 2; 1999, A.S.A. 1947, §§ 22-333.19, 22-333.22 — No. 5, § 2.

A.C.R.C. Notes. Section 19 of Amendment 80 to the Arkansas Constitution provided that all sitting circuit, chancery, and circuit chancery judges at the time the amendment took effect were to con-

tinue in office as circuit judges and that circuit courts were to have jurisdiction of all matters previously dealt with by circuit, chancery, and probate courts, including juvenile matters.

CASE NOTES

Judicial Authority.

The letter opinion of the judge's law clerk informing the defendant that his petition for post-conviction relief was denied was invalid because a trial judge may not delegate his judicial authority to a law

clerk, and the General Assembly has not attempted to give law clerks the power to decide cases. *Brown v. State*, 290 Ark. 289, 718 S.W.2d 937 (1986).

Cited: *Nation v. State*, 283 Ark. 250, 674 S.W.2d 939 (1984).

SUBCHAPTER 22 — FOURTEENTH JUDICIAL CIRCUIT

SECTION.

16-13-2201. Composition.

16-13-2202. Terms of court.

SECTION.

16-13-2203. Judges and chancellors.

A.C.R.C. Notes. Acts 2001, No. 300, § 3: Feb. 19, 2001. Emergency clause provided: "It is hereby found and determined by the Eighty-third General Assembly that the caseload of the Fourteenth Judicial District necessitates the appointment of additional circuit-chancery judges immediately. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

Acts 2001, No. 951, § 17, provided: "Fourteenth Judicial Circuit. (a) The circuit judgeship which is currently designated as Circuit Division 1 and presently held by Robert McCorkindale shall be known and designated as Circuit Court, Division 3.

"(b) The chancery judgeship which is currently designated as Chancery Division 1 and presently held by Roger Logan shall be known and designated as Circuit Court, Division 1.

"(c) The circuit-chancery judgeship which is currently designated as Circuit-

Chancery Division 2 and presently held by Gary Isbell shall be known and designated as Circuit Court, Division 2."

Acts 2001, No. 951, § 29, provided: "The word 'Division' as used in this act shall refer only to the designation of the judicial positions for election purposes and does not refer to 'subject matter divisions' pursuant to Amendment 80, Section 6 of the Arkansas Constitution."

Acts 2001, No. 951, § 30, provided: "Should any additional circuit judgeships be created in a judicial circuit, there shall be created within that judicial circuit, an additional Division which shall be numbered sequentially and the judge appointed or elected thereto shall serve as the judge of the additional Division."

Effective Dates. Acts 1895, No. 36, § 3: effective 60 days after passage.

Acts 1989, No. 949, § 8: Mar. 27, 1989. Emergency clause provided: "It is hereby found and determined by the General Assembly that the juvenile division of chancery court is to be created to replace the juvenile court system provided for in Act 14 of 1987 and that the immediate passage of this Act is necessary to insure that there is an orderly and efficient administration of the juvenile justice system of this state. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full

force and effect from and after its passage and approval.”

16-13-2201. Composition.

The Fourteenth Judicial District shall be composed of the counties of Baxter, Boone, Marion, and Newton.

History. Acts 1977, No. 432, § 1; A.S.A. 1947, § 22-365.

CASE NOTES

Cited: *Beaumont v. Adkisson*, 267 Ark. 511, 593 S.W.2d 11 (1980).

16-13-2202. Terms of court.

The terms of court in each county in the Fourteenth Judicial District shall commence on the dates set forth below:

(1) Baxter County: On the second Monday in March and the second Monday in September;

(2) Boone County: On the third Monday in April and the third Monday in October;

(3) Newton County: On the first Mondays in March and September; and

(4) Marion County: On the first Mondays in April and October.

History. Acts 1891, No. 62, § 4, p. 110; § 1; 1979, No. 696, §§ 1, 2; A.S.A. 1947, 1895, No. 36, §§ 1, 2, p. 40; 1955, No. 227, §§ 22-310, 22-310n.

CASE NOTES

Cited: *Bradley v. State*, 213 Ark. 927, 213 S.W.2d 901 (1948); *Gentry v. Jett*, 173 F. Supp. 722 (W.D. Ark. 1959); *Midwest Timber Prods. Co. v. Self*, 230 Ark. 872, 327 S.W.2d 730 (1959); *Fitzwater v. Harris*, 231 Ark. 173, 328 S.W.2d 501 (1959); *Hammond v. Kirby*, 233 Ark. 560, 345 S.W.2d 910 (1961); *Central Cas. Co. v. State*, 233 Ark. 832, 349 S.W.2d 135 (1961); *Stewart v. Stephens*, 244 F. Supp. 982 (E.D. Ark. 1965); *Givens v. State*, 243 Ark. 16, 418 S.W.2d 629 (1967); *Fields v. State*, 246 Ark. 1249, 441 S.W.2d 803 (1969); *Thorne v. State*, 247 Ark. 346, 445

S.W.2d 481 (1969); *McDonald v. State*, 253 Ark. 23, 484 S.W.2d 345 (1972); *O’Neal v. State*, 253 Ark. 574, 487 S.W.2d 618 (1972); *Peek v. Meadors*, 255 Ark. 347, 500 S.W.2d 333 (1973); *Bakri v. State*, 261 Ark. 765, 551 S.W.2d 215 (1977); *Campbell v. State*, 264 Ark. 372, 571 S.W.2d 597 (1978); *Walker v. Lockhart*, 620 F.2d 683 (8th Cir. 1980); *Wright v. State*, 270 Ark. 78, 603 S.W.2d 408 (1980); *Anderson v. Hargraves*, 272 Ark. 259, 613 S.W.2d 587 (1981); *State v. Washington*, 273 Ark. 82, 617 S.W.2d 3 (1981); *Bosnick v. State*, 275 Ark. 52, 627 S.W.2d 23 (1982).

16-13-2203. Judges and chancellors.

(a)(1) The qualified electors of the Fourteenth Judicial District shall elect:

- (A) One (1) circuit judge;
- (B) One (1) chancellor; and
- (C) One (1) circuit-chancery judge.

(2)(A) There is created in the Fourteenth Judicial District an additional circuit-chancery judgeship which shall have jurisdiction in law, equity, and probate.

(B) The additional judge shall be elected from the district and shall satisfy the same qualifications for holding office and shall receive the same salary, expenses, and other allowances as provided by law for judges of the circuit courts.

(C) The judge shall serve for elected terms of six (6) years.

(D) The counties which comprise the Fourteenth Judicial District shall provide courtroom and office facilities and supplies for the judge of the circuit-chancery judgeship created by subdivision (a)(2)(A) of this section which shall be paid out of the county treasuries in the same manner as other demands against the counties, out of funds appropriated by the respective quorum courts of the counties for such purposes.

(E) There shall be provided for the judge of the circuit-chancery judgeship created by subdivision (a)(2)(A) of this section a court reporter and a trial court administrative assistant whose salaries shall be fixed and paid in the manner provided by law for court reporters and trial court administrative assistants of the circuit-chancery courts of this state.

(b)(1) The judge of the judgeship created by subdivision (a)(1)(C) of this section shall be the judge of the juvenile division of chancery court. The judge shall serve as judge of the juvenile division in lieu of the judge who would otherwise be designated as judge of the juvenile division of chancery court in the judicial district.

(2) The judge of the additional circuit-chancery judgeship created in subdivision (a)(1)(C) of this section shall devote such time as may be required to perform the duties of judge of the juvenile division, which duties shall be the primary obligation of the judge, and shall sit as judge of the circuit, chancery, or probate court as time permits.

History. Acts 1977, No. 432, § 1; A.S.A. 1947, § 22-365; Acts 1989, No. 949, § 1; 2001, No. 300, § 1.

A.C.R.C. Notes. Section 19 of Amendment 80 to the Arkansas Constitution provided that all sitting circuit, chancery, and circuit chancery judges at the time the amendment took effect were to continue in office as circuit judges and that circuit courts were to have jurisdiction of all matters previously dealt with by circuit, chancery, and probate courts, includ-

ing juvenile matters.

Acts 1989, No. 949, § 1, provided, in part, that the judgeships created by that section shall be effective on and after August 1, 1989, and that the Governor shall appoint a person to serve in each position from August 1, 1989, through December 31, 1990.

The section further provided: "The qualified electors of the respective judicial circuits shall elect the additional circuit-chancery judges at the November, 1990,

General Election to take office on January 1, 1991. The additional judges shall be in the same manner and shall satisfy the same qualifications for holding office and shall receive the same salary, expenses and other allowances as provided by law for judges of circuit-chancery courts. The judges shall serve for elected terms of four (4) years."

Acts 1989, No. 949, § 3, provided: "In each judicial circuit in which an additional circuit-chancery judge is created pursuant to this Act, the county or counties located in the judicial circuit shall provide courtroom and office facilities and supplies required for the juvenile division of the chancery court of the county, which shall be paid out of the county treasury of the county or counties in the same manner as other demands against the county or counties, out of funds appropriated by the quorum court of the county or counties for such purposes."

Acts 1989, No. 949, § 5, provided: "In each judicial circuit in which an additional circuit-chancery judgeship is created pursuant to this Act, there shall be provided a court reporter whose salary shall be fixed and paid in the manner provided by law for court reporters of the circuit and chancery courts of this state."

Acts 2001, No. 300, § 2, provided: "The Eighty-third General Assembly finds that it is very important that the judges appointed or elected to serve the Fourteenth Judicial District provide an adequate judicial presence and adequate judicial resources to each county in the Fourteenth Judicial District. Therefore, it is the express desire of the members of the Eighty-third General Assembly that the person appointed or elected to the judgeship created by this act maintain an office in Marion or Newton county throughout the duration of the term of office to which the person has been appointed or elected."

As amended in 2001, this section also contained a subsection (c) which provided: "(c)(1) Effective immediately, there is created in the Fourteenth Judicial District an additional circuit-chancery judgeship, which shall have jurisdiction in law, equity, and probate. (2) The Governor shall appoint a qualified person who is a resident of the district to temporarily fill the Fourteenth Judicial District circuit-chancery judgeship created by this subsection (c), and the appointed person shall serve until December 31, 2002, or until a successor has been elected and qualified, whichever occurs last. (3) The qualified electors of the district shall elect the additional circuit judge, pursuant to Amendment 80 to the Arkansas Constitution approved at the November 7, 2000, General Election, created by this subsection (c), at the November 2002 general election to take office on January 1, 2003. The additional judge shall be elected from the district and shall satisfy the same qualifications for holding office and shall receive the same salary, expenses, and other allowances as provided by law for judges of the circuit courts. The judge shall serve for elected terms of six (6) years. (4) The counties which comprise the Fourteenth Judicial District shall provide courtroom and office facilities and supplies for the judge of the circuit-chancery judgeship created by this subsection (c), which shall be paid out of the county treasuries in the same manner as other demands against the counties, out of funds appropriated by the respective quorum courts of the counties for such purposes. (5) There shall be provided for the judge of the circuit-chancery judgeship created by this subsection (c) a court reporter and a trial court administrative assistant whose salaries shall be fixed and paid in the manner provided by law for court reporters and trial court administrative assistants of the circuit-chancery courts of this state."

CASE NOTES

Cited: *Beaumont v. Adkisson*, 267 Ark. 511, 593 S.W.2d 11 (1980).

SUBCHAPTER 23 — FIFTEENTH JUDICIAL CIRCUIT

SECTION.

16-13-2301. Composition.

16-13-2302. Terms of court.

SECTION.

16-13-2303. Judges and chancellors.

A.C.R.C. Notes. Acts 2001, No. 951, § 18, provided: "Fifteenth Judicial Circuit. (a) The circuit judgeship which is currently designated as Circuit Division 1 and presently held by Paul Danielson shall be known and designated as Circuit Court, Division 1.

"(b) The chancery judgeship which is currently designated as Chancery Division 1 and presently held by Van Taylor shall be known and designated as Circuit Court, Division 2.

"(c) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 2 and presently held by William Bullock shall be known and designated as Circuit Court, Division 3."

Acts 2001, No. 951, § 29, provided: "The word 'Division' as used in this act shall refer only to the designation of the judicial positions for election purposes and does not refer to 'subject matter divisions' pursuant to Amendment 80, Section 6 of the Arkansas Constitution."

Acts 2001, No. 951, § 30, provided: "Should any additional circuit judgeships

be created in a judicial circuit, there shall be created within that judicial circuit, an additional Division which shall be numbered sequentially and the judge appointed or elected thereto shall serve as the judge of the additional Division."

Effective Dates. Acts 1889, No. 31, § 9: effective on passage.

Acts 1901, No. 5, § 22: effective on passage.

Acts 1955, No. 146, § 3: July 1, 1955.

Acts 1989, No. 949, § 8: Mar. 27, 1989. Emergency clause provided: "It is hereby found and determined by the General Assembly that the juvenile division of chancery court is to be created to replace the juvenile court system provided for in Act 14 of 1987 and that the immediate passage of this Act is necessary to insure that there is an orderly and efficient administration of the juvenile justice system of this state. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

16-13-2301. Composition.

The Fifteenth Judicial District shall be composed of the counties of Conway, Logan, Scott, and Yell.

History. Acts 1977, No. 432, § 1; A.S.A. 1947, § 22-365.

CASE NOTES

Cited: Beaumont v. Adkisson, 267 Ark. 511, 593 S.W.2d 11 (1980).

16-13-2302. Terms of court.

The terms of court in each county in the Fifteenth Judicial District shall commence on the dates set forth below:

(1) Conway County: On the first Monday in March and the first Monday in October;

(2)(A) In the Southern District of Logan County: On the third Mondays in April and October;

(B) In the Northern District of Logan County: On the first Mondays in January and August;

(3) Scott County: On the first Mondays in May and November;

(4)(A) In the Danville District of Yell County: On the third Monday in January and the third Monday in August;

(B) In the Dardanelle District of Yell County: On the third Monday in February and the third Monday in September.

History. Acts 1889, No. 31, §§ 1-3, p. § 1; 1945, No. 11, § 1; 1955, No. 146, § 1; 38; 1901, No. 5, § 11, p. 5; 1939, No. 210, A.S.A. 1947, § 22-310.

CASE NOTES

Cited: *Bradley v. State*, 213 Ark. 927, 213 S.W.2d 901 (1948); *Gentry v. Jett*, 173 F. Supp. 722 (W.D. Ark. 1959); *Midwest Timber Prods. Co. v. Self*, 230 Ark. 872, 327 S.W.2d 730 (1959); *Fitzwater v. Harris*, 231 Ark. 173, 328 S.W.2d 501 (1959); *Hammond v. Kirby*, 233 Ark. 560, 345 S.W.2d 910 (1961); *Central Cas. Co. v. State*, 233 Ark. 832, 349 S.W.2d 135 (1961); *Stewart v. Stephens*, 244 F. Supp. 982 (E.D. Ark. 1965); *Givens v. State*, 243 Ark. 16, 418 S.W.2d 629 (1967); *Fields v. State*, 246 Ark. 1249, 441 S.W.2d 803 (1969); *Thorne v. State*, 247 Ark. 346, 445

S.W.2d 481 (1969); *McDonald v. State*, 253 Ark. 23, 484 S.W.2d 345 (1972); *O'Neal v. State*, 253 Ark. 574, 487 S.W.2d 618 (1972); *Peek v. Meadors*, 255 Ark. 347, 500 S.W.2d 333 (1973); *Bakri v. State*, 261 Ark. 765, 551 S.W.2d 215 (1977); *Campbell v. State*, 264 Ark. 372, 571 S.W.2d 597 (1978); *Walker v. Lockhart*, 620 F.2d 683 (8th Cir. 1980); *Wright v. State*, 270 Ark. 78, 603 S.W.2d 408 (1980); *Anderson v. Hargraves*, 272 Ark. 259, 613 S.W.2d 587 (1981); *State v. Washington*, 273 Ark. 82, 617 S.W.2d 3 (1981); *Bosnick v. State*, 275 Ark. 52, 627 S.W.2d 23 (1982).

16-13-2303. Judges and chancellors.

(a) The qualified electors of the Fifteenth Judicial District shall elect:

(1) One (1) circuit judge;

(2) One (1) chancellor; and

(3) One (1) circuit-chancery judge.

(b)(1) The judge of the judgeship created by subdivision (a)(3) of this section shall be the judge of the juvenile division of chancery court. The judge shall serve as judge of the juvenile division in lieu of the judge who would otherwise be designated as judge of the juvenile division of chancery court in the judicial district.

(2) The judge of the additional circuit-chancery judgeship created in subdivision (a)(3) of this section shall devote such time as may be required to perform the duties of judge of the juvenile division, which duties shall be the primary obligation of the judge, and shall sit as judge of the circuit, chancery, or probate court as time permits.

History. Acts 1977, No. 432, § 1; A.S.A. 1947, § 22-365; Acts 1989, No. 949, § 1.

A.C.R.C. Notes. Section 19 of Amend-

ment 80 to the Arkansas Constitution provided that all sitting circuit, chancery, and circuit chancery judges at the time

the amendment took effect were to continue in office as circuit judges and that circuit courts were to have jurisdiction of all matters previously dealt with by circuit, chancery, and probate courts, including juvenile matters.

Acts 1989, No. 949, § 1, provided, in part, that the judgeships created by that section shall be effective on and after August 1, 1989, and that the Governor shall appoint a person to serve in each position from August 1, 1989, through December 31, 1990.

The section further provided: "The qualified electors of the respective judicial circuits shall elect the additional circuit-chancery judges at the November, 1990, General Election to take office on January 1, 1991. The additional judges shall be in the same manner and shall satisfy the same qualifications for holding office and shall receive the same salary, expenses and other allowances as provided by law for judges of circuit-chancery courts. The

judges shall serve for elected terms of four (4) years."

Acts 1989, No. 949, § 3, provided: "In each judicial circuit in which an additional circuit-chancery judge is created pursuant to this Act, the county or counties located in the judicial circuit shall provide courtroom and office facilities and supplies required for the juvenile division of the chancery court of the county, which shall be paid out of the county treasury of the county or counties in the same manner as other demands against the county or counties, out of funds appropriated by the quorum court of the county or counties for such purposes."

Acts 1989, No. 949, § 5, provided: "In each judicial circuit in which an additional circuit-chancery judgeship is created pursuant to this Act, there shall be provided a court reporter whose salary shall be fixed and paid in the manner provided by law for court reporters of the circuit and chancery courts of this state."

CASE NOTES

Cited: *Beaumont v. Adkisson*, 267 Ark. 511, 593 S.W.2d 11 (1980).

SUBCHAPTER 24 — SIXTEENTH JUDICIAL CIRCUIT

SECTION.

16-13-2401. Composition.

16-13-2402. Terms of court.

SECTION.

16-13-2403. Judges and chancellors.

16-13-2404. [Repealed.]

A.C.R.C. Notes. Acts 2001, No. 951, § 19, provided: "Sixteenth Judicial Circuit. (a) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 1 and presently held by John Dan Kemp shall be known and designated as Circuit Court, Division 1.

"(b) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 2 and presently held by John Norman Harkey shall be known and designated as Circuit Court, Division 2.

"(c) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 3 and presently held by Stephen Choate shall be known and designated as Circuit Court, Division 3."

Acts 2001, No. 951, § 29, provided: "The

word 'Division' as used in this act shall refer only to the designation of the judicial positions for election purposes and does not refer to 'subject matter divisions' pursuant to Amendment 80, Section 6 of the Arkansas Constitution."

Acts 2001, No. 951, § 30, provided: "Should any additional circuit judgeships be created in a judicial circuit, there shall be created within that judicial circuit, an additional Division which shall be numbered sequentially and the judge appointed or elected thereto shall serve as the judge of the additional Division."

Effective Dates. Acts 1893, No. 56, § 12: effective on passage.

Acts 1895, No. 36, § 3: effective 60 days after passage.

Acts 1905, No. 62, § 2: Mar. 2, 1905.

Acts 1979, No. 242, § 3: Mar. 1, 1979. Emergency clause provided: "It is hereby found and determined by the General Assembly that since the redistricting of the circuit and chancery courts in the State, the dates set for the beginning of terms of circuit court in the respective counties of the Sixteenth Circuit-Chancery Court Circuit are not appropriate; that it is essential to the effective and efficient administration of justice in the Sixteenth Circuit-Chancery Court Circuit and in the respective counties thereof that dates be prescribed by law for the commencement of the terms of circuit court in said counties; that this Act is designed to establish such dates and should be given effect immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1989, No. 949, § 8: Mar. 27, 1989. Emergency clause provided: "It is hereby found and determined by the General Assembly that the juvenile division of chancery court is to be created to replace the juvenile court system provided for in Act

14 of 1987 and that the immediate passage of this Act is necessary to insure that there is an orderly and efficient administration of the juvenile justice system of this state. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 2001, No. 816, § 2: Mar. 19, 2001. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the caseload of the Sixteenth Judicial District necessitates the appointment of an additional judge immediately. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

16-13-2401. Composition.

The Sixteenth Judicial District shall be composed of the counties of Cleburne, Fulton, Independence, Izard, and Stone.

History. Acts 1977, No. 432, § 1; A.S.A. 1947, § 22-365.

CASE NOTES

Cited: *Beaumont v. Adkisson*, 267 Ark. 511, 593 S.W.2d 11 (1980).

16-13-2402. Terms of court.

The terms of court of the circuit court in the respective counties of the Sixteenth Judicial District shall commence on the following dates:

- (1) Cleburne County: On the second Tuesdays in May and November;
- (2) Fulton County: On the second Tuesdays in January and July;
- (3) Independence County: On the second Tuesdays in February and August;

(4) Izard County: On the second Tuesdays in March and September; and

(5) Stone County: On the second Tuesdays in April and October.

History. Acts 1891, No. 62, § 3, p. 110; 1905, No. 62, § 1, p. 163; 1955, No. 227, 1893, No. 56, § 3, p. 84; 1895, No. 36, § 1; 1979, No. 242, § 1; A.S.A. 1947, §§ 1, 2, p. 40; 1903, No. 99, § 1, p. 167; §§ 22-310, 22-310n.

CASE NOTES

Cited: Bradley v. State, 213 Ark. 927, 213 S.W.2d 901 (1948); Gentry v. Jett, 173 F. Supp. 722 (W.D. Ark. 1959); Midwest Timber Prods. Co. v. Self, 230 Ark. 872, 327 S.W.2d 730 (1959); Fitzwater v. Harris, 231 Ark. 173, 328 S.W.2d 501 (1959); Hammond v. Kirby, 233 Ark. 560, 345 S.W.2d 910 (1961); Central Cas. Co. v. State, 233 Ark. 832, 349 S.W.2d 135 (1961); Stewart v. Stephens, 244 F. Supp. 982 (E.D. Ark. 1965); Givens v. State, 243 Ark. 16, 418 S.W.2d 629 (1967); Fields v. State, 246 Ark. 1249, 441 S.W.2d 803 (1969); Thorne v. State, 247 Ark. 346, 445 S.W.2d 481 (1969); McDonald v. State, 253 Ark. 23, 484 S.W.2d 345 (1972); O'Neal v. State, 253 Ark. 574, 487 S.W.2d 618 (1972); Peek v. Meadors, 255 Ark. 347, 500 S.W.2d 333 (1973); Bakri v. State, 261 Ark. 765, 551 S.W.2d 215 (1977); Campbell v. State, 264 Ark. 372, 571 S.W.2d 597 (1978); Walker v. Lockhart, 620 F.2d 683 (8th Cir. 1980); Wright v. State, 270 Ark. 78, 603 S.W.2d 408 (1980); Anderson v. Hargraves, 272 Ark. 259, 613 S.W.2d 587 (1981); State v. Washington, 273 Ark. 82, 617 S.W.2d 3 (1981); Bosnick v. State, 275 Ark. 52, 627 S.W.2d 23 (1982).

16-13-2403. Judges and chancellors.

(a)(1) The qualified electors of the Sixteenth Judicial District shall elect:

- (A) One (1) circuit judge;
- (B) One (1) chancellor; and
- (C) One (1) circuit-chancery judge.

(2)(A) There is created in the Sixteenth Judicial District an additional circuit judgeship which shall have jurisdiction in law, equity, and probate.

(B) The additional judge shall be elected from the district and shall satisfy the same qualifications for holding office and shall receive the same salary, expenses, and other allowances as provided by law for judges of the circuit courts.

(C) The judge shall serve for elected terms of six (6) years.

(D) The counties which compose the Sixteenth Judicial District shall provide courtroom and office facilities and supplies for the judge of the judgeship created by subdivision (a)(2)(A) of this section which shall be paid for out of the county treasuries in the same manner as other demands against the counties and out of funds appropriated by the respective quorum courts of the counties for such purposes.

(E) There shall be provided for the judge of the judgeship created by subdivision (a)(2)(A) of this section a court reporter and a trial court administrative assistant whose salaries shall be fixed and paid in the manner provided by law for court reporters and trial court administrative assistants of the circuit courts of this state.

(b)(1) The judge of the judgeship created by subdivision (a)(1)(C) of this section shall be the judge of the juvenile division of chancery court. The judge shall serve as judge of the juvenile division in lieu of the judge who would otherwise be designated as judge of the juvenile division of chancery court in the judicial district.

(2) The judge of the additional circuit-chancery judgeship created in subdivision (a)(1)(C) of this section shall devote such time as may be required to perform the duties of judge of the juvenile division of chancery court, which duties shall be the primary obligation of the judge, and shall sit as judge of the circuit, chancery, or probate court as time permits.

(c) Effective January 1, 1999, the circuit judgeship created by subdivision (a)(1)(A) of this section and the chancery judgeship created by subdivision (a)(1)(B) of this section shall become circuit-chancery judgeships and shall have jurisdiction in law, equity, and probate.

History. Acts 1977, No. 432, § 1; A.S.A. 1947, § 22-365; Acts 1989, No. 949, § 1; 1995, No. 582, § 1; 2001, No. 816, § 1.

A.C.R.C. Notes. Section 19 of Amendment 80 to the Arkansas Constitution provided that all sitting circuit, chancery, and circuit chancery judges at the time the amendment took effect were to continue in office as circuit judges and that circuit courts were to have jurisdiction of all matters previously dealt with by circuit, chancery, and probate courts, including juvenile matters.

Acts 1989, No. 949, § 1, provided, in part, that the judgeships created by that section shall be effective on and after August 1, 1989, and that the Governor shall appoint a person to serve in each position from August 1, 1989, through December 31, 1990.

The section further provided: "The qualified electors of the respective judicial circuits shall elect the additional circuit-chancery judges at the November, 1990, General Election to take office on January 1, 1991. The additional judges shall be in the same manner and shall satisfy the same qualifications for holding office and shall receive the same salary, expenses and other allowances as provided by law for judges of circuit-chancery courts. The judges shall serve for elected terms of four (4) years."

Acts 1989, No. 949, § 3, provided: "In each judicial circuit in which an additional circuit-chancery judge is created

pursuant to this Act, the county or counties located in the judicial circuit shall provide courtroom and office facilities and supplies required for the juvenile division of the chancery court of the county, which shall be paid out of the county treasury of the county or counties in the same manner as other demands against the county or counties, out of funds appropriated by the quorum court of the county or counties for such purposes."

Acts 1989, No. 949, § 5, provided: "In each judicial circuit in which an additional circuit-chancery judgeship is created pursuant to this Act, there shall be provided a court reporter whose salary shall be fixed and paid in the manner provided by law for court reporters of the circuit and chancery courts of this state."

Publisher's Notes. As amended in 2001 subdivision (a)(2) provided: "Effective July 1, 2001, There is created in the Sixteenth Judicial District an additional circuit judgeship which shall have jurisdiction in law, equity, and probate. (2) The Governor shall appoint a qualified person to temporarily fill the Sixteenth Judicial District circuit judgeship created by this subsection, and the appointed person shall serve until December 31, 2002, or until a successor has been elected and qualified, whichever occurs last. (3) The qualified electors of the district shall elect the additional circuit judge created by this subsection at the November 2002 General Election to take office on January 1, 2003."

CASE NOTES

Cited: *Beaumont v. Adkisson*, 267 Ark. 511, 593 S.W.2d 11 (1980).

16-13-2404. [Repealed.]

Publisher's Notes. This section, concerning quorum court fees funding a case coordinator, was repealed by Acts 1995, No. 1256, § 21, as amended by Acts 1995

(1st Ex. Sess.), No. 13, § 5. The section was derived from Acts 1995, No. 1243, §§ 1, 2.

SUBCHAPTER 25 — SEVENTEENTH AND TWENTY-THIRD JUDICIAL CIRCUITS

SECTION.

16-13-2501. Composition.

16-13-2502. Terms of court.

SECTION.

16-13-2503. Judges and chancellors.

16-13-2504. Exchange of districts.

A.C.R.C. Notes. Acts 2001, No. 951, § 20, provided: "Seventeenth Judicial Circuit. (a) The circuit judgeship which is currently designated as Circuit Division 1 and presently held by Bill Mills shall be known and designated as Circuit Court, Division 1.

"(b) The chancery judgeship which is currently designated as Chancery Division 1 and presently held by Darrell Hickman shall be known and designated as Circuit Court, Division 3.

"(c) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 2 and presently held by Robert Edwards shall be known and designated as Circuit Court, Division 2."

Acts 2001, No. 951, § 28, provided: "Twenty-third Judicial Circuit. (a) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 1 and presently held by Lance Hanshaw shall be known and designated as Circuit Court, Division 1.

"(b) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 2 and presently held by Phillip Whiteaker shall be known and designated as Circuit Court, Division 2."

Acts 2001, No. 951, § 29, provided: "The word 'Division' as used in this act shall refer only to the designation of the judicial positions for election purposes and does not refer to 'subject matter divisions' pursuant to Amendment 80, Section 6 of the Arkansas Constitution."

Acts 2001, No. 951, § 30, provided: "Should any additional circuit judgeships be created in a judicial circuit, there shall be created within that judicial circuit, an additional Division which shall be numbered sequentially and the judge appointed or elected thereto shall serve as the judge of the additional Division."

Publisher's Notes. Acts 1999, No. 456, § 7, provided: "Subject to review by the Senate Interim Committee on Judiciary of the Arkansas General Assembly, the Arkansas Code Revision Commission is authorized and directed to prepare a technical corrections bill for introduction in the next regular or special session of the Arkansas General Assembly to make the necessary changes to the Arkansas Code of 1987 Annotated consistent with the provisions of this act. Specifically, in addition to other necessary changes determined to be consistent with this act and subject to review by the Senate Interim Committee on Judiciary, the Arkansas Code Revision Commission shall prepare legislation to change references to the Seventeenth Judicial District-East and the Seventeenth Judicial District-West, as well as similar and related references used throughout the Arkansas Code of 1987 Annotated to references consistent with the Seventeenth Judicial District and the Twenty-Third Judicial District, or divisions thereof, for purposes of uniformity and style."

Acts 1999, No. 456, § 8, provided:

"Nothing in this Act shall be construed to decrease the term of office of the judges and prosecuting attorneys of the Seventeenth Judicial District-East or the Seventeenth Judicial District-West serving on the effective date of this Act. The judges and prosecuting attorneys shall continue to serve in their respective capacities in the Seventeenth Judicial District and the Twenty-Third Judicial District until the expiration of their terms."

Effective Dates. Acts 1893, No. 56, § 12: effective on passage.

Acts 1921, No. 3, § 5: effective on passage. Emergency declared. Approved Jan. 20, 1921.

Acts 1955, No. 74, § 3: July 1, 1955.

Acts 1967, No. 56, §§ 3, 4: July 1, 1967. Emergency clause provided: "There is a possibility that the 66th General Assembly will be extended, in which event considerable confusion could evolve concerning the effective date of legislation which does not contain an emergency clause. Therefore, an emergency is hereby declared and this act shall be in effect from and after the date of passage." Approved Feb. 9, 1967.

Acts 1989 (3rd Ex. Sess.), No. 28, § 7: Nov. 7, 1989. Emergency clause provided: "It is hereby found and determined by the General Assembly that the caseload of the Second and Sixth Judicial Districts necessitates the appointment of additional circuit-chancery judges immediately; and that this Act so provides and should therefore be given effect immediately. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1994 (2nd Ex. Sess.), No. 29, § 8: Aug. 23, 1994. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that the caseload of the Seventeenth Judicial District (West) necessitates the appointment of an additional circuit-chancery judge immediately; that the salary cap for the Waldron Municipal

Court Clerk must be raised in order to retain efficient court personnel and that this act so provides and should therefore be given effect immediately. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval."

Acts 1999, No. 456, § 12: Mar. 8, 1999. Emergency clause provided: "It is hereby found and determined by the Eighty-second General Assembly that this act is essential to the operation of the criminal justice system within the Seventeenth and the Twenty-Third Judicial Districts, and is necessary to avoid confusion between the two districts. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

Acts 2007, No. 168, § 7: July 1, 2007. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the Judicial Resources Assessment Committee has reviewed the caseloads of the various judicial districts; that the caseloads of the Second Judicial District, the Nineteenth Judicial District-West, the Twentieth Judicial District, the Twenty-second Judicial District, and the Twenty-third Judicial District necessitate the appointment of an additional circuit judges; and that this act is necessary to ensure the smooth, efficient, and timely administration of justice in the counties affected. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2007."

16-13-2501. Composition.

(a) The Seventeenth Judicial District shall be composed of the counties of Prairie and White.

(b) The Twenty-third Judicial District shall be composed of Lonoke County.

History. Acts 1977, No. 432, § 1; 1983, No. 669, § 1; A.S.A. 1947, § 22-365; Acts 1999, No. 456, § 1.

A.C.R.C. Notes. As amended by Acts 1999, No. 456, § 1 subsections (a) and (b)

began: "Effective immediately." As to the effective date of Acts 1999, No. 456, see the Effective Date Notes at the beginning of this subchapter.

CASE NOTES

Cited: *Beaumont v. Adkisson*, 267 Ark. 511, 593 S.W.2d 11 (1980).

16-13-2502. Terms of court.

(a) The terms of court in the Twenty-third Judicial District shall commence on the third Monday in February and the first Monday in September.

(b) The terms of court in each county in the Seventeenth Judicial District shall commence on the following dates:

(1)(A) In the Northern District of Prairie County, on the third Mondays in March and September;

(B) In the Southern District of Prairie County, on the first Monday in March and the third Monday in August; and

(2)(A) In White County, on the third Monday and the tenth Monday after the third Monday in January and the third Monday and the tenth Monday after the third Monday in July.

(B) However, grand and petit juries selected at the January and July terms of the court may serve for a period of six (6) months.

History. Acts 1893, No. 56, § 4, p. 84; 1921, No. 3, § 2; 1943, No. 85, § 1; 1953, No. 318, § 1; 1955, No. 74, § 1; 1967, No.

56, § 1; A.S.A. 1947, § 22-310; Acts 1999, No. 456, § 2.

CASE NOTES

Cited: *Bradley v. State*, 213 Ark. 927, 213 S.W.2d 901 (1948); *Gentry v. Jett*, 173 F. Supp. 722 (W.D. Ark. 1959); *Midwest Timber Prods. Co. v. Self*, 230 Ark. 872, 327 S.W.2d 730 (1959); *Fitzwater v. Harris*, 231 Ark. 173, 328 S.W.2d 501 (1959); *Hammond v. Kirby*, 233 Ark. 560, 345 S.W.2d 910 (1961); *Central Cas. Co. v. State*, 233 Ark. 832, 349 S.W.2d 135 (1961); *Stewart v. Stephens*, 244 F. Supp. 982 (E.D. Ark. 1965); *Givens v. State*, 243 Ark. 16, 418 S.W.2d 629 (1967); *Fields v. State*, 246 Ark. 1249, 441 S.W.2d 803

(1969); *Thorne v. State*, 247 Ark. 346, 445 S.W.2d 481 (1969); *McDonald v. State*, 253 Ark. 23, 484 S.W.2d 345 (1972); *O'Neal v. State*, 253 Ark. 574, 487 S.W.2d 618 (1972); *Peek v. Meadors*, 255 Ark. 347, 500 S.W.2d 333 (1973); *Bakri v. State*, 261 Ark. 765, 551 S.W.2d 215 (1977); *Campbell v. State*, 264 Ark. 372, 571 S.W.2d 597 (1978); *Walker v. Lockhart*, 620 F.2d 683 (8th Cir. 1980); *Wright v. State*, 270 Ark. 78, 603 S.W.2d 408 (1980); *Anderson v. Hargraves*, 272 Ark. 259, 613 S.W.2d 587 (1981); *State v. Washington*, 273 Ark. 82,

617 S.W.2d 3 (1981); *Bosnick v. State*, 275 Ark. 52, 627 S.W.2d 23 (1982).

16-13-2503. Judges and chancellors.

(a) The qualified electors of the Seventeenth Judicial District shall elect:

- (1) One (1) circuit judge;
- (2) One (1) chancery judge; and
- (3)(A) One (1) circuit-chancery judge.

(B) The circuit-chancery judgeship created by subdivision (a)(3)(A) of this section within the Seventeenth Judicial District, whose primary responsibility shall be to perform the duties of a judge of the juvenile division of chancery court, shall sit as judge of the circuit, chancery, and probate courts as time permits.

(b)(1) The qualified electors of the Twenty-third Judicial District shall elect one (1) circuit-chancery judge who shall have jurisdiction in law, equity, and probate.

(2)(A)(i) Effective January 1, 1995, there is hereby created in the Twenty-third Judicial District an additional circuit-chancery judgeship, which shall have jurisdiction in law, equity, and probate.

(ii) The judge of the additional circuit-chancery judgeship created herein shall sit as judge of the circuit, chancery, or probate court as time permits.

(iii) The additional judge shall be elected in the same manner and shall satisfy the same qualifications for holding office and shall receive the same salary, expenses, and other allowances as provided by law for judges of the circuit-chancery courts.

(iv) The judge shall serve for elected terms of four (4) years.

(B) The county which comprises the Twenty-third Judicial District shall provide courtroom and office facilities and supplies for the judge of the circuit-chancery judgeship created by this subdivision (b)(2) which shall be paid out of the county treasury, in the same manner as other demands against the county, out of funds appropriated by the quorum court of the county for such purposes.

(C) There shall be provided for the judge of the circuit-chancery judgeship created by this subdivision (b)(2) a court reporter whose salary shall be fixed and paid in the manner provided by law for court reporters of the circuit-chancery courts of this state.

(c)(1) Effective July 1, 2007, there is created in the Twenty-third Judicial District an additional circuit judgeship that shall have jurisdiction in law, equity, probate, and juvenile matters.

(2) The Governor shall appoint a qualified person who is a resident of the district to temporarily fill the Twenty-third Judicial District circuit judgeship created by subdivision (c)(1) of this section, and the appointed person shall serve until January 1, 2009, or until a successor has been elected and qualified.

(3)(A) The qualified electors of the district shall elect the additional circuit judge created by subdivision (c)(1) of this section at the 2008 preferential primary election to take office on January 1, 2009.

(B) The additional circuit judge shall be elected from the district, shall satisfy the same qualifications for holding office, and shall receive the same salary, expenses, and other allowances as provided by law for judges of the circuit courts.

(C) The circuit judge shall serve for elected terms of six (6) years.

(4) The county that composes the Twenty-third Judicial District shall provide courtroom and office facilities and supplies for the judge of the circuit judgeship created by subdivision (c)(1) of this section, which shall be paid out of the county treasury in the same manner as other demands against the county and out of funds appropriated by the quorum court of the county for these purposes.

(5) There shall be provided for the judge of the circuit judgeship created by subdivision (c)(1) of this section a court reporter and a trial court administrative assistant whose salaries shall be fixed and paid in the manner provided by law for court reporters and trial court administrative assistants of the circuit courts of this state.

History. Acts 1977, No. 432, § 1; 1983, No. 669, § 1; A.S.A. 1947, § 22-365; Acts 1989 (3rd Ex. Sess.), No. 28, § 1; 1994 (2nd Ex. Sess.), No. 29, §§ 1-3; 1999, No. 456, § 3; 2007, No. 168, § 3.

A.C.R.C. Notes. Section 19 of Amendment 80 to the Arkansas Constitution provided that all sitting circuit, chancery, and circuit chancery judges at the time the amendment took effect were to continue in office as circuit judges and that circuit courts were to have jurisdiction of all matters previously dealt with by circuit, chancery, and probate courts, including juvenile matters.

Acts 1989 (3rd Ex. Sess.), No. 28, § 1, provided, in part, that: "The qualified electors of the respective judicial circuits shall elect the additional circuit-chancery judges at the November, 1990, General Election to take office on January 1, 1991. The additional judges shall be elected in the same manner and shall satisfy the same qualifications for holding office and shall receive the same salary, expenses and other allowances as provided by law for judges of circuit-chancery courts. The judges shall serve for elected terms of four (4) years."

Acts 1989 (3rd Ex. Sess.), No. 28, § 1, also provided, in part, that: "As soon as possible after the effective date of this act, the Governor shall appoint a qualified person to temporarily fill the Second and Sixth Judicial District circuit-chancery judgeships created by this Act, and such persons shall serve until December 31,

1990, or until their successors have been elected and qualified, whichever occurs last."

Acts 1989 (3rd Ex. Sess.), No. 28, § 2, provided: "In each judicial circuit in which an additional circuit-chancery judge is created pursuant to this Act, the county or counties located in the judicial circuit shall provide courtroom and office facilities and supplies, which shall be paid out of the county treasury of the county or counties in the same manner as other demands against the county or counties, out of funds appropriated by the quorum court of the county or counties for such purposes. Provided, however, that the additional judgeship for the Sixth Judicial District who is to conduct commitment hearings shall be provided courtroom and office facilities and supplies by the Arkansas State Hospital located in Pulaski County."

Acts 1989 (3rd Ex. Sess.), No. 28, § 3, provided: "In each judicial circuit in which additional circuit-chancery judgeships are created pursuant to this Act, there shall be provided court reporters whose salary shall be fixed and paid in the manner provided by law for court reporters of the circuit and chancery courts of this state."

Following the 1994 (2nd Ex. Sess.) amendment to this section, the Arkansas Code Revision Commission redesignated former (a)(3) as (a)(3)(A) and former (c) as (a)(3)(B).

As enacted, Acts 1994 (2nd Ex. Sess.), No. 29, § 1, provided, in part: "The quali-

fied electors of the Seventeenth Judicial District-West shall elect the additional circuit-chancery judge created herein at the November 1994 general election to take office on January 1, 1995."

As enacted, Acts 1994 (2nd Ex. Sess.), No. 29, § 1, also provided, in part: "(1) Since the provisions of this act will not be effective until after the 1994 Preferential Primaries have taken place, on the effective date of this act, there shall be a 'vacancy in nomination,' which the political parties shall fill in accordance with Arkansas Code Annotated § 7-7-104.

"(2) If needed, the Governor shall issue a proclamation specifying the date on which the special primary election shall be held, but not less than thirty (30) days prior to the November 1994 general election, and the date on which a runoff primary election shall be held in the event a candidate does not receive a majority vote, but not more than one week after the special primary election. The proclamation shall also establish the deadline for filing as a candidate for nomination which shall also be the deadline for filing petitions of independent candidates to file nomination petitions of not less than fifty (50) nor more than one thousand (1,000) electors from the district. If no special primary election is to be held, the Governor shall, in a proclamation, establish the filing period for independent candidates."

Acts 2007, No.168, § 1, provided: "The Judicial Resources Assessment Committee has reviewed the caseloads of various judicial districts and has determined that

to ensure the smooth, efficient, and timely administration of justice additional circuit judgeships are needed in the Second Judicial District, the Nineteenth Judicial District-West, the Twentieth Judicial District, the Twenty-second Judicial District, and the Twenty-third Judicial District. This act authorizes the establishment of five (5) additional circuit judgeships, articulates the applicable appointment and election process of the additional circuit judges, and identifies various resources that will be available."

In Acts 2007, No. 168, § 3, the term "2008 Nonpartisan Judicial General Election" should have been used in place of "2008 preferential primary election". Circuit judges are now elected on a nonpartisan basis pursuant to Arkansas Constitution, Amendment 80, § 17.

Publisher's Notes. Acts 1983, No. 669, § 4, provided that the division of the Seventeenth Judicial District-Chancery Court District into the Seventeenth Judicial District-East and the Seventeenth Judicial District-West would be effective January 1, 1985. The section further provided that nothing in the act should be so construed as to decrease the term of office of the judges and prosecuting attorneys of the Seventeenth Judicial District serving on July 4, 1983, and that those persons would continue to serve in their respective capacities in the Seventeenth Judicial District-East until the expiration of their terms.

Amendments. The 2007 amendment added (c).

CASE NOTES

Cited: *Beaumont v. Adkisson*, 267 Ark. 511, 593 S.W.2d 11 (1980).

16-13-2504. Exchange of districts.

The judges of the Twenty-third Judicial District and the Seventeenth Judicial District may, by agreement, temporarily exchange districts or hold court for each other as they deem necessary and appropriate.

History. Acts 1977, No. 432, § 1; 1983, No. 669, § 1; A.S.A. 1947, § 22-365; Acts 1999, No. 456, § 4.

CASE NOTES

Cited: *Beaumont v. Adkisson*, 267 Ark. 511, 593 S.W.2d 11 (1980).

SUBCHAPTER 26 — EIGHTEENTH JUDICIAL CIRCUIT

SECTION.

- 16-13-2601. Composition.
- 16-13-2602. Terms of court.
- 16-13-2603. Judges and chancellors.
- 16-13-2604. Exchange of districts.

SECTION.

- 16-13-2605. Court reporters.
- 16-13-2606. Secretary-case coordinator.
- 16-13-2607. Bailiffs.

A.C.R.C. Notes. Section 19 of Amendment 80 to the Arkansas Constitution provided that all sitting circuit, chancery, and circuit chancery judges at the time the amendment took effect were to continue in office as circuit judges and that circuit courts were to have jurisdiction of all matters previously dealt with by circuit, chancery, and probate courts, including juvenile matters.

Acts 2001, No. 951, § 21, provided: "Eighteenth Judicial Circuit East.

(a) The circuit judgeship which is currently designated as Circuit Division 1 and presently held by John Homer Wright shall be known and designated as Circuit Court, Division 1.

(b) The chancery judgeship which is currently designated as Chancery Division 1 and presently held by David Switzer shall be known and designated as Circuit Court, Division 3.

(c) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 2 and presently held by Tom Smitherman shall be known and designated as Circuit Court, Division 4.

(d) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 3 and presently held by Vicki Cook shall be known and designated as Circuit Court, Division 2."

Acts 2001, No. 951, § 22, provided: "Eighteenth Judicial Circuit West. The circuit-chancery judgeship which is presently held by Gayle Ford shall be known and designated as Circuit Court, Division 1."

Acts 2001, No. 951, § 29, provided: "The word 'Division' as used in this act shall refer only to the designation of the judicial positions for election purposes and does

not refer to 'subject matter divisions' pursuant to Amendment 80, Section 6 of the Arkansas Constitution."

Acts 2001, No. 951, § 30, provided: "Should any additional circuit judgeships be created in a judicial circuit, there shall be created within that judicial circuit, an additional Division which shall be numbered sequentially and the judge appointed or elected thereto shall serve as the judge of the additional Division."

Effective Dates. Acts 1891, No. 52, § 9: effective on passage.

Acts 1911, No. 114, § 5: effective on passage. Emergency declared. Approved Mar. 23, 1911.

Acts 1923, No. 354, § 2: Mar. 9, 1923.

Acts 1953, No. 76, § 3: Feb. 17, 1953. Emergency clause provided: "It has been found and is declared by the General Assembly of the State of Arkansas that the change of the dates of the Circuit Court in Montgomery County will act for the more convenient and expeditious handling of litigation therein. Therefore, an emergency is declared to exist, and this Act being necessary for the preservation of the public peace, health and safety, shall take effect and be in force from the date of its approval."

Acts 1963, No. 49, § 5: Feb. 8, 1963. Emergency clause provided: "It is hereby found and determined by the General Assembly that the docket of the Circuit Judge of the 18th Judicial Circuit is extremely overloaded; that the proper administration of justice in Montgomery County Circuit Court will be expedited by transferring such court to the 9th Judicial Circuit; and that only by the immediate passage of this Act may this purpose be accomplished. Therefore, an emergency is

hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.”

Acts 1963, No. 262, § 3: Mar. 18, 1963. Emergency clause provided: “It has been found and is declared by the General Assembly of the State of Arkansas that the change of the dates of the Circuit Court in Montgomery County will result in more convenient and expeditious handling of litigation therein. Therefore, an emergency is declared to exist, and this Act being immediately necessary for the preservation of the public peace, health and safety, shall take effect and be in force from the date of its approval.”

Acts 1967, No. 300, § 3: Mar. 10, 1967. Emergency clause provided: “It has been found and determined by the General Assembly that the change of the dates of the Circuit Court in Garland County will result in more convenient and expeditious handling of litigation therein. Therefore, an emergency is hereby declared to exist, and this Act being immediately necessary for the immediate preservation of the public peace, health and safety, shall take effect and be in force from the date of its passage and approval.”

Acts 1970 (Ex. Sess.), No. 19, § 3: July 1, 1970.

Acts 1989, No. 949, § 8: Mar. 27, 1989. Emergency clause provided: “It is hereby found and determined by the General As-

sembly that the juvenile division of chancery court is to be created to replace the juvenile court system provided for in Act 14 of 1987 and that the immediate passage of this Act is necessary to insure that there is an orderly and efficient administration of the juvenile justice system of this state. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.”

Acts 2001, No. 1529, § 2: Apr. 12, 2001. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the circuit, chancery, and circuit-chancery judges of the Eighteenth Judicial District — East should be provided bailiffs as are other courts in the state to maintain order and provide security for the judge, jury, witnesses, and defendants. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto.”

16-13-2601. Composition.

(a) The Eighteenth Judicial District-East shall be composed of Garland County.

(b) The Eighteenth Judicial District-West shall be composed of the counties of Montgomery and Polk.

History. Acts 1977, No. 432, § 1; A.S.A. 1947, § 22-365.

CASE NOTES

Cited: *Beaumont v. Adkisson*, 267 Ark. 511, 593 S.W.2d 11 (1980); *Riviere v. Hard-*

egree, 278 Ark. 167, 644 S.W.2d 276 (1983).

16-13-2602. Terms of court.

The terms of court in each county in the Eighteenth Judicial District shall commence on the dates set forth below:

- (1) Garland County: On the second Fridays in January and July;
- (2) Montgomery County: On the third Mondays in May and November; and
- (3) Polk County: On the third Mondays in April and October.

History. Acts 1891, No. 52, § 2, p. 87; No. 262, § 1; 1967, No. 300, § 1; 1970 (Ex. 1911, No. 114, §§ 1, 2; 1923, No. 354, § 1; Sess.), No. 19, § 1; A.S.A. 1947, § 22-310. 1953, No. 76, § 1; 1963, No. 49, § 1; 1963,

CASE NOTES

Cited: Bradley v. State, 213 Ark. 927, 213 S.W.2d 901 (1948); Gentry v. Jett, 173 F. Supp. 722 (W.D. Ark. 1959); Midwest Timber Prods. Co. v. Self, 230 Ark. 872, 327 S.W.2d 730 (1959); Fitzwater v. Harris, 231 Ark. 173, 328 S.W.2d 501 (1959); Hammond v. Kirby, 233 Ark. 560, 345 S.W.2d 910 (1961); Central Cas. Co. v. State, 233 Ark. 832, 349 S.W.2d 135 (1961); Stewart v. Stephens, 244 F. Supp. 982 (E.D. Ark. 1965); Givens v. State, 243 Ark. 16, 418 S.W.2d 629 (1967); Fields v. State, 246 Ark. 1249, 441 S.W.2d 803 (1969); Thorne v. State, 247 Ark. 346, 445

S.W.2d 481 (1969); McDonald v. State, 253 Ark. 23, 484 S.W.2d 345 (1972); O'Neal v. State, 253 Ark. 574, 487 S.W.2d 618 (1972); Peek v. Meadors, 255 Ark. 347, 500 S.W.2d 333 (1973); Bakri v. State, 261 Ark. 765, 551 S.W.2d 215 (1977); Campbell v. State, 264 Ark. 372, 571 S.W.2d 597 (1978); Walker v. Lockhart, 620 F.2d 683 (8th Cir. 1980); Wright v. State, 270 Ark. 78, 603 S.W.2d 408 (1980); Anderson v. Hargraves, 272 Ark. 259, 613 S.W.2d 587 (1981); State v. Washington, 273 Ark. 82, 617 S.W.2d 3 (1981); Bosnick v. State, 275 Ark. 52, 627 S.W.2d 23 (1982).

16-13-2603. Judges and chancellors.

(a)(1) The qualified electors of the Eighteenth Judicial District-East shall elect:

(A) One (1) circuit judge and one (1) chancellor to serve the Eighteenth Judicial District-East, each of whom shall be a resident of the Eighteenth Judicial District-East; and

(B) One (1) circuit-chancery judge.

(2)(A) In the Eighteenth Judicial District-East, there is created one (1) additional circuit-chancery judgeship which shall have jurisdiction in law, equity, and probate.

(B) The circuit judges, chancery judges, and circuit-chancery judges of the districts subject to this subsection may, by agreement, hold either of the circuit or chancery courts in their respective districts and may hear and try matters pending in any of those courts or may hear or try matters in the same court at the same time. The judges subject to this subsection may adopt such rules as they deem appropriate for the assignment of cases in the circuit and chancery courts of their district.

(3)(A) The judge of the judgeship created by subdivision (a)(1)(B) of this section shall be the judge of the juvenile division of chancery court. The judge shall serve as judge of the juvenile division in lieu of

the judge who would otherwise be designated as judge of the juvenile division of chancery court in the judicial district.

(B) The judge of the additional circuit-chancery judgeship created in subdivision (a)(1)(B) of this section shall devote such time as may be required to perform the duties of judge of the juvenile division, which duties shall be the primary obligation of the judge, and shall sit as judge of the circuit, chancery, or probate court as time permits.

(b) The qualified electors of the Eighteenth Judicial District-West shall elect one (1) circuit-chancery judge to serve the Eighteenth Judicial District-West who shall be a resident of the Eighteenth Judicial District-West.

History. Acts 1977, No. 432, § 1; A.S.A. 1947, § 22-365; Acts 1987, No. 846, §§ 1, 3; 1989, No. 949, § 1.

A.C.R.C. Notes. Acts 1987, No. 846, § 2, provided: "The additional circuit judges, chancery judges, and circuit-chancery judges provided for in this Act shall be elected at the General Election in 1988, to take office on January 1, 1989, and thereafter as provided by law."

Acts 1989, No. 949, § 1, provided, in part, that the judgeships created by that section shall be effective on and after August 1, 1989, and that the Governor shall appoint a person to serve in each position from August 1, 1989, through December 31, 1990.

The section further provided: "The qualified electors of the respective judicial circuits shall elect the additional circuit-chancery judges at the November, 1990, General Election to take office on January 1, 1991. The additional judges shall be in the same manner and shall satisfy the same qualifications for holding office and shall receive the same salary, expenses

and other allowances as provided by law for judges of circuit-chancery courts. The judges shall serve for elected terms of four (4) years."

Acts 1989, No. 949, § 3, provided: "In each judicial circuit in which an additional circuit-chancery judge is created pursuant to this Act, the county or counties located in the judicial circuit shall provide courtroom and office facilities and supplies required for the juvenile division of the chancery court of the county, which shall be paid out of the county treasury of the county or counties in the same manner as other demands against the county or counties, out of funds appropriated by the quorum court of the county or counties for such purposes."

Acts 1989, No. 949, § 5, provided: "In each judicial circuit in which an additional circuit-chancery judgeship is created pursuant to this Act, there shall be provided a court reporter whose salary shall be fixed and paid in the manner provided by law for court reporters of the circuit and chancery courts of this state."

CASE NOTES

Cited: *Beaumont v. Adkisson*, 267 Ark. 511, 593 S.W.2d 11 (1980).

16-13-2604. Exchange of districts.

The judges of the Eighteenth Judicial District-East and the Eighteenth Judicial District-West may, by agreement, temporarily exchange districts or hold court for each other, as they deem necessary or appropriate.

History. Acts 1977, No. 432, § 1; A.S.A. 1947, § 22-365.

CASE NOTES

Cited: *Beaumont v. Adkisson*, 267 Ark. 511, 593 S.W.2d 11 (1980).

16-13-2605. Court reporters.

Each of the circuit, chancery, and circuit-chancery judges provided for in § 16-13-2603 is authorized to employ a court reporter. The court reporters shall receive such compensation as is provided by law.

History. Acts 1987, No. 846, § 4.

CASE NOTES

Cited: *Villines v. Tucker*, 324 Ark. 13, 918 S.W.2d 153 (1996).

16-13-2606. Secretary-case coordinator.

(a) Each circuit judge, chancery judge, circuit-chancery judge, and circuit-chancery judge of the juvenile division of chancery court, Eighteenth Judicial District-East, may employ a secretary-case coordinator to serve each judge at the pleasure of the appointing judge, at an annual salary based upon the classification in the table in subdivision (b)(1) of this section, payable in equal monthly installments by Garland County.

(b)(1) No payment of salary may be made except in conformity with the salary rates assigned in the table below and only after the appointing judge has certified in writing the term of the employee's experience to the county clerk:

| GRADE | EXPERIENCE | SALARY |
|-------|-------------|-------------|
| I | Entry level | \$19,500.00 |
| II | 18 months | \$20,250.00 |
| III | 36 months | \$21,000.00 |
| IV | 54 months | \$21,630.00 |
| V | 72 months | \$22,278.90 |
| VI | 90 months | \$22,947.26 |
| VII | 108 months | \$23,635.68 |

(2) The appointing judge shall have discretion in certifying or omitting to certify increases in salary above the entry level.

History. Acts 1993, No. 313, §§ 1, 2.

Publisher's Notes. Acts 1993, No. 313, § 3, provided that: "It is hereby determined by the General Assembly that the secretary-case coordinators of the several

courts of the Eighteenth Judicial Circuit-East have varying experience and beginning in 1993, classifications in Section 2 should be implemented and is necessary to the proper administration of justice."

CASE NOTES

Cited: Villines v. Tucker, 324 Ark. 13, 918 S.W.2d 153 (1996).

16-13-2607. Bailiffs.

(a) The circuit, chancery, and circuit-chancery judges of the Eighteenth Judicial District - East may each appoint one (1) court bailiff and, by concurrence of a majority of the judges in the judicial district, two (2) at-large bailiffs to serve as circumstances warrant.

(b)(1) The duties of the bailiffs shall include:

- (A) The supervision and maintenance of order in the courtroom;
- (B) Providing security for the judges, officers of the court, jurors, and other individuals involved in court proceedings;
- (C) Administering oaths; and
- (D) Other related duties as assigned by the judges.

(2) When acting within the scope of their duties, the bailiffs shall exercise all the powers necessary and proper to perform their duties, including the powers of a deputy sheriff and the power to make arrests, carry a weapon, and serve summons.

(3) The bailiffs shall have and maintain law enforcement certification as is necessary to fully perform the functions of their office.

(c)(1)(A) The compensation package of the bailiffs shall be determined by the Garland County Quorum Court.

(B) If the quorum court raises salary benefits for county employees, it shall also raise salary or benefits an equivalent amount for the bailiffs.

(2) Any other employment or salary considerations will be governed by Garland County’s Job Evaluation Salary Administration Program.

History. Acts 2001, No. 1529, § 1.

SUBCHAPTER 27 — NINETEENTH JUDICIAL CIRCUIT

- SECTION.
- 16-13-2701. Composition.
 - 16-13-2702. Terms of court.
 - 16-13-2703. Judges and chancellors.

- SECTION.
- 16-13-2704. Bailiffs.
 - 16-13-2705. [Removed.]

A.C.R.C. Notes. Current subchapter 27, “Nineteenth Judicial Circuit”, which includes both counties of Benton and Carroll as one entity, has been expanded upon by subchapter 30, which designates Carroll County as “Nineteenth Judicial District-East” and Benton County as “Nineteenth Judicial District-West”. Therefore, subchapter 27 currently will be retained as § 16-13-3002(f) states: “All existing

laws not in conflict herewith pertaining to the Nineteenth Judicial District shall apply to the Nineteenth Judicial District-East and the Nineteenth Judicial District-West.”
Please also see subchapter 30 for division of 19th Judicial District into 19th Judicial District - East and 19th Judicial District - West.

Acts 2001, No. 951, § 23, provided: "Nineteenth Judicial Circuit West.

(a) The circuit judgeship which is currently designated as Circuit Division 1 and presently held by Tom Keith shall be known and designated as Circuit Court, Division 1.

"(b) The circuit judgeship which is currently designated as Circuit Division 2 and presently held by David Clinger shall be known and designated as Circuit Court, Division 2.

"(c) The chancery judgeship which is currently designated as Chancery Division 1 and presently held by Xollie Duncan shall be known and designated as Circuit Court, Division 4.

"(d) The chancery judgeship which is currently designated as Chancery Division 2 and presently held by Donald R. Huffman shall be known and designated as Circuit Court, Division 5.

"(e) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 3 and presently held by Jay Finch shall be known and designated as Circuit Court, Division 3."

Acts 2001, No. 951, § 24, provided: "Nineteenth Judicial Circuit East. The circuit-chancery judgeship which is presently held by Alan Epley shall be known and designated as Circuit Court, Division 1."

Acts 2001, No. 951, § 29, provided: "The word 'Division' as used in this act shall refer only to the designation of the judicial positions for election purposes and does not refer to 'subject matter divisions' pursuant to Amendment 80, Section 6 of the Arkansas Constitution."

Acts 2001, No. 951, § 30, provided: "Should any additional circuit judgeships be created in a judicial circuit, there shall be created within that judicial circuit, an additional Division which shall be numbered sequentially and the judge appointed or elected thereto shall serve as the judge of the additional Division."

Cross References. Nineteenth Judicial District, Prosecuting Attorney's expenses, § 16-21-2401 et seq.

Effective Dates. Acts 1887, No. 38, § 10: effective on passage.

Acts 1981 (Ex. Sess.), No. 38, § 5: Jan. 1, 1982. Emergency clause provided: "It being determined by the General Assembly that the proper and effective management of the State Judicial System and the administration of justice requires that the provisions of this Act be implemented as soon as possible and this Act is necessary for the proper management of the judicial system of the State, therefore, an emergency is hereby declared to exist and this Act, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after January 1, 1982."

Acts 1989, No. 949, § 8: Mar. 27, 1989. Emergency clause provided: "It is hereby found and determined by the General Assembly that the juvenile division of chancery court is to be created to replace the juvenile court system provided for in Act 14 of 1987 and that the immediate passage of this Act is necessary to insure that there is an orderly and efficient administration of the juvenile justice system of this state. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1993, No. 789, § 5: Mar. 30, 1993. Emergency clause provided: "It is hereby found and determined by the General Assembly that the circuit, chancery, and circuit-chancery judges of the Nineteenth Judicial District should be provided bailiffs as are other courts in the state, to maintain order and provide security for the judge, jury, witnesses and defendants, and that this act is immediately necessary. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

16-13-2701. Composition.

The Nineteenth Judicial District shall be composed of the counties of Benton and Carroll.

History. Acts 1977, No. 432, § 1; A.S.A. 1947, § 22-365.

CASE NOTES

Cited: *Beaumont v. Adkisson*, 267 Ark. 511, 593 S.W.2d 11 (1980).

16-13-2702. Terms of court.

The terms of court in each county in the Nineteenth Judicial District shall commence on the dates set forth below:

- (1) Benton County: On the third Mondays in March and September; and
- (2) Carroll County: On the third Mondays in February and August.

History. Acts 1887, No. 38, § 3, p. 47; 1887, No. 62, § 1, p. 88; 1967, No. 304, §§ 1, 3; A.S.A. 1947, § 22-310.

CASE NOTES

Cited: *Bradley v. State*, 213 Ark. 927, 213 S.W.2d 901 (1948); *Gentry v. Jett*, 173 F. Supp. 722 (W.D. Ark. 1959); *Midwest Timber Prods. Co. v. Self*, 230 Ark. 872, 327 S.W.2d 730 (1959); *Fitzwater v. Harris*, 231 Ark. 173, 328 S.W.2d 501 (1959); *Hammond v. Kirby*, 233 Ark. 560, 345 S.W.2d 910 (1961); *Central Cas. Co. v. State*, 233 Ark. 832, 349 S.W.2d 135 (1961); *Stewart v. Stephens*, 244 F. Supp. 982 (E.D. Ark. 1965); *Givens v. State*, 243 Ark. 16, 418 S.W.2d 629 (1967); *Fields v. State*, 246 Ark. 1249, 441 S.W.2d 803 (1969); *Thorne v. State*, 247 Ark. 346, 445

S.W.2d 481 (1969); *McDonald v. State*, 253 Ark. 23, 484 S.W.2d 345 (1972); *O'Neal v. State*, 253 Ark. 574, 487 S.W.2d 618 (1972); *Peek v. Meadors*, 255 Ark. 347, 500 S.W.2d 333 (1973); *Bakri v. State*, 261 Ark. 765, 551 S.W.2d 215 (1977); *Campbell v. State*, 264 Ark. 372, 571 S.W.2d 597 (1978); *Walker v. Lockhart*, 620 F.2d 683 (8th Cir. 1980); *Wright v. State*, 270 Ark. 78, 603 S.W.2d 408 (1980); *Anderson v. Hargraves*, 272 Ark. 259, 613 S.W.2d 587 (1981); *State v. Washington*, 273 Ark. 82, 617 S.W.2d 3 (1981); *Bosnick v. State*, 275 Ark. 52, 627 S.W.2d 23 (1982).

16-13-2703. Judges and chancellors.

(a) The qualified electors of the Nineteenth Judicial District shall elect:

- (1) One (1) circuit judge;
- (2) One (1) chancellor; and
- (3) One (1) circuit-chancery judge.

(b) In the Nineteenth Judicial District, there shall be one (1) additional circuit judgeship which shall have jurisdiction only in law.

(c) There is hereby created and established, in addition to all other circuit judgeships, chancery judgeships, and circuit-chancery judge-

ships in the Nineteenth Judicial District, one (1) additional chancery judgeship which shall have jurisdiction in equity and probate.

(d) The chancery judge created pursuant to subsection (c) of this section is authorized to employ a court reporter, a case coordinator, and such other personnel as shall be necessary for the court to effectively and efficiently carry out its responsibilities.

(e)(1) The judge of the judgeship created by subdivision (a)(3) of this section shall be the judge of the juvenile division of chancery court. The judge shall serve as judge of the juvenile division in lieu of the judge who would otherwise be designated as judge of the juvenile division of chancery court in the judicial district.

(2) The judge of the additional circuit-chancery judgeship created in subdivision (a)(3) of this section shall devote such time as may be required to perform the duties of judge of the juvenile division, which duties shall be the primary obligation of the judge, and shall sit as judge of the circuit, chancery, or probate court as time permits.

History. Acts 1977, No. 432, § 1; 1981 (Ex. Sess.), No. 38, § 1; A.S.A. 1947, §§ 22-365, 22-373; Acts 1989, No. 949, § 4.

A.C.R.C. Notes. Section 19 of Amendment 80 to the Arkansas Constitution provided that all sitting circuit, chancery, and circuit chancery judges at the time the amendment took effect were to continue in office as circuit judges and that circuit courts were to have jurisdiction of all matters previously dealt with by circuit, chancery, and probate courts, including juvenile matters.

As enacted, the 1989 amendment in (b) provided for jurisdiction in law, equity, and probate until July 1, 1989, when this judgeship shall be converted to a circuit judgeship which shall have jurisdiction only in law.

As enacted, the 1989 amendment in (c) began "Effective July 1, 1989."

Acts 2007, No. 168, § 1, provided: "The Judicial Resources Assessment Commit-

tee has reviewed the caseloads of various judicial districts and has determined that to ensure the smooth, efficient, and timely administration of justice additional circuit judgeships are needed in the Second Judicial District, the Nineteenth Judicial District-West, the Twentieth Judicial District, the Twenty-second Judicial District, and the Twenty-third Judicial District. This act authorizes the establishment of five (5) additional circuit judgeships, articulates the applicable appointment and election process of the additional circuit judges, and identifies various resources that will be available."

Publisher's Notes. Acts 1989, No. 949, § 4, provided, in part, as to the judgeship created in (c), that the Governor shall appoint a person to serve in such position from July 1, 1989, through December 31, 1990, and that the qualified elector shall elect the judge at the November, 1990, General Election to take office on January 1, 1991.

CASE NOTES

Cited: *Beaumont v. Adkisson*, 267 Ark. 511, 593 S.W.2d 11 (1980); *Cook v. State*, 321 Ark. 641, 906 S.W.2d 681 (1995).

16-13-2704. Bailiffs.

(a) The circuit, chancery, and circuit-chancery judges of the Nineteenth Judicial District may each appoint one (1) court bailiff.

(b)(1) The duties of the bailiffs shall include the supervision and maintenance of order in their respective courtrooms, providing security for the judges, officers of the court, jurors, and other individuals involved in court proceedings, administering oaths, and other incidental and related duties at the direction of the respective judges.

(2) When acting within the scope of their duties, the court bailiffs shall exercise all the powers necessary and proper to the performance of their duties, including the powers of a deputy sheriff and the power to make arrests, carry a weapon, and serve a summons.

(3) A bailiff may maintain law enforcement certification existing or acquired during his or her service as bailiff.

(c) The pay of the bailiffs shall be determined by the quorum courts.

History. Acts 1993, No. 789, § 1.

A.C.R.C. Notes. Section 19 of Amendment 80 to the Arkansas Constitution provided that all sitting circuit, chancery, and circuit chancery judges at the time the amendment took effect were to con-

tinue in office as circuit judges and that circuit courts were to have jurisdiction of all matters previously dealt with by circuit, chancery, and probate courts, including juvenile matters.

CASE NOTES

Cited: Villines v. Tucker, 324 Ark. 13, 918 S.W.2d 153 (1996).

16-13-2705. [Removed.]

Publisher's Notes. This section was removed pursuant to § 1-2-303 and codified as § 16-13-3003.

SUBCHAPTER 28 — TWENTIETH JUDICIAL CIRCUIT

SECTION.

16-13-2801. Composition.

16-13-2802. Terms of court.

16-13-2803. Judges and chancellors.

SECTION.

16-13-2804. Responsibility for expenses.

16-13-2805. Case coordinators.

A.C.R.C. Notes. Acts 2001, No. 951, § 25, provided: "Twentieth Judicial Circuit. (a) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 1 and presently held by David Reynolds shall be known and designated as Circuit Court, Division 1.

"(b) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 2 and presently held by Linda Collier shall be known and designated as Circuit Court, Division 2.

"(c) The circuit-chancery judgeship which is currently designated as Circuit-

Chancery Division 3 and presently held by Charles E. Clawson, Jr. shall be known and designated as Circuit Court, Division 3.

"(d) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 4 and presently held by Mike Maggio shall be known and designated as Circuit Court, Division 4."

Acts 2001, No. 951, § 29, provided: "The word 'Division' as used in this act shall refer only to the designation of the judicial positions for election purposes and does not refer to 'subject matter divisions' pur-

suant to Amendment 80, Section 6 of the Arkansas Constitution."

Acts 2001, No. 951, § 30, provided: "Should any additional circuit judgeships be created in a judicial circuit, there shall be created within that judicial circuit, an additional Division which shall be numbered sequentially and the judge appointed or elected thereto shall serve as the judge of the additional Division."

Effective Dates. Acts 1893, No. 56, § 12: effective on passage.

Acts 1947, No. 120, § 4: approved Feb. 26, 1947. Emergency clause provided: "It is ascertained and hereby declared that an established time for holding circuit court being necessary for the functioning of our government, an emergency is hereby declared to exist. This act being necessary for the immediate preservation of the public peace, health and safety of the State of Arkansas, shall be in full force and effect from and after its passage."

Acts 1955, No. 146, § 3: July 1, 1955.

Acts 1965, No. 96, § 8: Feb. 23, 1965. Emergency clause provided: "It is hereby found and determined by the General Assembly of Arkansas that due to the large number of cases pending before the courts of the Fifth Judicial Circuit there is an unusual and undesirable delay in the adjudication of the rights of parties involved in litigation in said courts; that this Act is immediately necessary to relieve said undesirable situation by providing for an additional Division of court and an additional judge to expedite the clearing of the dockets in said courts and thereby to expedite the administration in said Judicial Circuit. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety, shall be in effect from the date of its passage and approval."

Acts 1989, No. 802, § 10: Mar. 21, 1989. Emergency clause provided: "It is hereby found and determined by the General Assembly that the duties incumbent upon the Case Coordinators of the Circuit and Chancery Courts of the Twentieth Judicial District of Arkansas have materially increased because of increases in population, caseload and the trial dockets of said Circuit and Chancery District, and that there has been a substantial increase in the costs of living, necessitating an increase in salaries in order to properly cope

with the prevailing conditions and prevent hardship. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1989, No. 949, § 8: Mar. 27, 1989. Emergency clause provided: "It is hereby found and determined by the General Assembly that the juvenile division of chancery court is to be created to replace the juvenile court system provided for in Act 14 of 1987 and that the immediate passage of this Act is necessary to insure that there is an orderly and efficient administration of the juvenile justice system of this state. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1993, No. 131, § 7: Feb. 15, 1993. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that the combination of the separation of the courts of law and equity in Arkansas and the amount of travel required of judges in the Twentieth District creates an inefficient system of justice. It is further found that the decision of the Arkansas Supreme Court in *Tony A. Lee v. Andre McNeil* casts some doubt on the ability of judges within a single judicial district to exchange courts, and that this inability will seriously impair the timely and expeditious dispatch of business of the courts and cause unnecessary and expensive delay in the resolution of cases. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval."

Acts 1995, No. 170, § 8: Feb. 6, 1995. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that the caseload of the Twentieth Judicial District necessitates the appointment of an additional circuit-chancery judge immediately. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health, and safety, shall be

in full force and effect from and after its passage and approval.”

Acts 2007, No. 168, § 7: July 1, 2007. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that the Judicial Resources Assessment Committee has reviewed the caseloads of the various judicial districts; that the caseloads of the Second Judicial District, the Nineteenth Judicial District-West, the Twentieth Judicial District, the Twenty-second Judicial

District, and the Twenty-third Judicial District necessitate the appointment of an additional circuit judges; and that this act is necessary to ensure the smooth, efficient, and timely administration of justice in the counties affected. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2007.”

16-13-2801. Composition.

The Twentieth Judicial District shall be composed of the counties of Faulkner, Searcy, and Van Buren.

History. Acts 1977, No. 432, § 1; A.S.A. 1947, § 22-365.

CASE NOTES

Cited: *Beaumont v. Adkisson*, 267 Ark. 511, 593 S.W.2d 11 (1980).

16-13-2802. Terms of court.

The terms of court in each county in the Twentieth Judicial District shall commence on the dates set forth below:

- (1) Faulkner County: On the first Monday in May and the first Monday in December;
- (2) Searcy County: On the third Mondays in April and October; and
- (3) Van Buren County: On the first Mondays in May and November.

History. Acts 1891, No. 62, § 4, p. 110; § 1; 1965, No. 96, § 5; A.S.A. 1947, § 22-1893, No. 56, § 3, p. 84; 1947, No. 120, § 310. §§ 1, 2; 1955, No. 146, § 1; 1955, No. 227,

CASE NOTES

Cited: *Bradley v. State*, 213 Ark. 927, 213 S.W.2d 901 (1948); *Gentry v. Jett*, 173 F. Supp. 722 (W.D. Ark. 1959); *Midwest Timber Prods. Co. v. Self*, 230 Ark. 872, 327 S.W.2d 730 (1959); *Fitzwater v. Harris*, 231 Ark. 173, 328 S.W.2d 501 (1959); *Hammond v. Kirby*, 233 Ark. 560, 345 S.W.2d 910 (1961); *Central Cas. Co. v. State*, 233 Ark. 832, 349 S.W.2d 135 (1961); *Stewart v. Stephens*, 244 F. Supp. 982 (E.D. Ark. 1965); *Givens v. State*, 243 Ark. 16, 418 S.W.2d 629 (1967); *Fields v. State*, 246 Ark. 1249, 441 S.W.2d 803 (1969); *Thorne v. State*, 247 Ark. 346, 445 S.W.2d 481 (1969); *McDonald v. State*, 253 Ark. 23, 484 S.W.2d 345 (1972); *O’Neal v. State*, 253 Ark. 574, 487 S.W.2d 618 (1972); *Peek v. Meadors*, 255 Ark. 347, 500 S.W.2d 333 (1973); *Bakri v. State*, 261 Ark. 765, 551 S.W.2d 215 (1977); *Campbell v. State*, 264 Ark. 372, 571 S.W.2d 597 (1978); *Walker v. Lockhart*, 620 F.2d 683 (8th Cir. 1980); *Wright v. State*, 270 Ark. 78, 603 S.W.2d 408 (1980); *Anderson v.*

Hargraves, 272 Ark. 259, 613 S.W.2d 587 617 S.W.2d 3 (1981); Bosnick v. State, 275 (1981); State v. Washington, 273 Ark. 82, Ark. 52, 627 S.W.2d 23 (1982).

16-13-2803. Judges and chancellors.

(a) The qualified electors of the Twentieth Judicial District shall elect:

- (1) One (1) circuit judge;
- (2) One (1) chancellor; and
- (3) One (1) circuit-chancery judge.

(b)(1) The judgeship created by subdivision (a)(3) of this section shall be the judge of the juvenile division of chancery court and shall be designated division 2 in all jurisdictions.

(2) The judge shall devote such time as may be required to perform the duties of judge of the juvenile division, which duties shall be the primary obligation of the judge, and shall sit as judge of the circuit, chancery, or probate court as time permits.

(c) The circuit judgeship created by subdivision (a)(1) of this section shall be a circuit-chancery judgeship which shall have jurisdiction in law, equity, and probate and shall be designated division 1 in all jurisdictions.

(d) Effective January 1, 1997, the chancery judgeship created by subdivision (a)(2) of this section shall become a circuit-chancery judgeship which shall have jurisdiction in law, equity, and probate and shall be designated division 3 in all jurisdictions.

(e) There is hereby created in the Twentieth Judicial District an additional circuit-chancery judgeship, which shall have jurisdiction in law, equity, and probate and shall be designated division 4 in all jurisdictions.

(f)(1) Effective July 1, 2007, there is created in the Twentieth Judicial District an additional circuit judgeship that shall have jurisdiction in law, equity, probate, and juvenile matters.

(2) The Governor shall appoint a qualified person who is a resident of the district to temporarily fill the Twentieth Judicial District circuit judgeship created by subdivision (f)(1) of this section, and the appointed person shall serve until January 1, 2009, or until a successor has been elected and qualified.

(3)(A) The qualified electors of the district shall elect the additional circuit judge created by subdivision (f)(1) of this section at the 2008 preferential primary election to take office on January 1, 2009.

(B) The additional circuit judge shall be elected from the district, shall satisfy the same qualifications for holding office, and shall receive the same salary, expenses, and other allowances as provided by law for judges of the circuit courts.

(C) The circuit judge shall serve for elected terms of six (6) years.

(4) The counties that compose the Twentieth Judicial District shall provide courtroom and office facilities and supplies for the judge of the circuit judgeship created by subdivision (f)(1) of this section, which shall be paid out of the county treasuries in the same manner as other

demands against the counties and out of funds appropriated by the respective quorum courts of the counties for these purposes.

(5) There shall be provided for the judge of the circuit judgeship created by subdivision (f)(1) of this section a court reporter and a trial court administrative assistant whose salaries shall be fixed and paid in the manner provided by law for court reporters and trial court administrative assistants of the circuit courts of this state.

History. Acts 1977, No. 432, § 1; A.S.A. 1947, § 22-365; Acts 1989, No. 949, § 1; 1993, No. 131, § 1; 1995, No. 170, §§ 1, 4; 2007, No. 168, § 4.

A.C.R.C. Notes. Section 19 of Amendment 80 to the Arkansas Constitution provided that all sitting circuit, chancery, and circuit chancery judges at the time the amendment took effect were to continue in office as circuit judges and that circuit courts were to have jurisdiction of all matters previously dealt with by circuit, chancery, and probate courts, including juvenile matters.

Acts 1989, No. 949, § 1, provided, in part, that the judgeships created by that section shall be effective on and after August 1, 1989, and that the Governor shall appoint a person to serve in each position from August 1, 1989, through December 31, 1990.

The section further provided: "The qualified electors of the respective judicial circuits shall elect the additional circuit-chancery judges at the November, 1990, General Election to take office on January 1, 1991. The additional judges shall be in the same manner and shall satisfy the same qualifications for holding office and shall receive the same salary, expenses and other allowances as provided by law for judges of circuit-chancery courts. The judges shall serve for elected terms of four (4) years."

Acts 1989, No. 949, § 3, provided: "In each judicial circuit in which an additional circuit-chancery judge is created pursuant to this Act, the county or counties located in the judicial circuit shall provide courtroom and office facilities and supplies required for the juvenile division of the chancery court of the county, which shall be paid out of the county treasury of the county or counties in the same manner as other demands against the county or counties, out of funds appropriated by the quorum court of the county or counties for such purposes."

Acts 1989, No. 949, § 5, provided: "In each judicial circuit in which an additional circuit-chancery judgeship is created pursuant to this Act, there shall be provided a court reporter whose salary shall be fixed and paid in the manner provided by law for court reporters of the circuit and chancery courts of this state."

As originally amended by Acts 1993, No. 131, § 1, this section also provided, in part, that: "Effective upon passage of this act and terminating January 1, 1997, any judge created by this section may, by written agreement, and pursuant to A.C.A. 16-13-403 as amended by Act 51 of the First Extraordinary Session of 1992, sit on exchange and hear cases for any other judge or judges created by this section and hold court for each other for such length of time as may seem practicable and in the best interest of their respective courts. The agreements shall be signed by the judges so agreeing and entered on the record of the court or courts so to be held."

As enacted by Acts 1995, No. 170, § 1, subsection (e) began: "Effective immediately upon passage and approval of this act."

As amended by Acts 1995, No. 170, § 1, this section contained two additional subsections, which read: "As soon as possible after the effective date of this act, the Governor shall appoint a qualified person to temporarily fill the Twentieth Judicial District Circuit-Chancery judgeship created herein, and the appointed person shall serve until December 31, 1996, or until a successor has been elected and qualified, whichever occurs last."

"The qualified electors of the Twentieth Judicial District shall elect the additional circuit-chancery judge created herein at the November 1996 general election to take office on January 1, 1997. The additional judge shall be elected in the same manner and shall satisfy the same qualifications for holding office and shall receive the same salary, expenses, and other

allowances as provided by law for judges of the circuit-chancery courts. The judge shall serve for elected terms of four (4) years."

Acts 1995, No. 170, § 2, provided: "The counties which comprise the Twentieth Judicial District shall provide courtroom and office facilities and supplies for the judge of the circuit-chancery judgeship created by this act, which shall be paid out of the county treasuries in the same manner as other demands against the counties, out of funds appropriated by the respective quorum courts of the counties for such purposes."

Acts 1995, No. 170, § 3, provided: "There shall be provided for the judge of the circuit-chancery judgeship created by this act a court reporter, whose salary shall be fixed and paid in the manner provided by law for court reporters of the circuit-chancery courts of this state."

As amended by Acts 1995, No. 170, § 4, subsection (c) began: "Effective January 1, 1995."

Acts 2007, No. 168, § 1, provided: "The

Judicial Resources Assessment Committee has reviewed the caseloads of various judicial districts and has determined that to ensure the smooth, efficient, and timely administration of justice additional circuit judgeships are needed in the Second Judicial District, the Nineteenth Judicial District-West, the Twentieth Judicial District, the Twenty-second Judicial District, and the Twenty-third Judicial District. This act authorizes the establishment of five (5) additional circuit judgeships, articulates the applicable appointment and election process of the additional circuit judges, and identifies various resources that will be available."

In Acts 2007, No. 168, § 4, the term "2008 Nonpartisan Judicial General Election" should have been used in place of "2008 preferential primary election". Circuit judges are now elected on a nonpartisan basis pursuant to Arkansas Constitution, Amendment 80, § 17.

Amendments. The 2007 amendment added (f).

CASE NOTES

Mandamus.

This section creates a right in the people to select by the election process separate persons to serve as circuit, chancery, and circuit-chancery judges for the twentieth district. The only practical

method of enforcing this right is the remedy of mandamus. *Lee v. McNeil*, 308 Ark. 114, 823 S.W.2d 837 (1992).

Cited: *Beaumont v. Adkisson*, 267 Ark. 511, 593 S.W.2d 11 (1980).

16-13-2804. Responsibility for expenses.

(a) In lieu of any other expenses incurred by each court provided by law for the Twentieth Judicial District, each county of the circuit shall be responsible for the following amounts:

(1) Searcy County ... One thousand five hundred dollars (\$1,500);

(2) Van Buren County ... Five hundred dollars (\$500); and

(3) Faulkner County ... All other expenses not otherwise provided for by law.

(b) Nothing herein shall be construed to prevent the respective quorum courts of the counties in the district from paying more than the amounts set forth herein.

History. Acts 1989, No. 802, §§ 5, 9.

A.C.R.C. Notes. Acts 1989, No. 802, § 4, provided: "(a) The salary for the period January 1, 1989, through December 31, 1989 for the Chancery Case Coordinator shall be not less than at the rate of Sixteen Thousand Dollars (\$16,000.00)

per year and for the Circuit Case Coordinator shall be not less than at the rate of Nineteen Thousand Five Hundred Dollars (\$19,500.00), and shall be paid by the counties in the Circuit, as follows:

"Faulkner County at the rate of Eleven Thousand Nine Hundred Thirty-six Dol-

lars (\$11,936.00) per year, payable to the Chancery Case Coordinator in equal monthly installments and Fourteen Thousand Eight Hundred Twenty Dollars (\$14,820.00) per year, payable to the Circuit Case Coordinator in equal monthly installments.

"Van Buren County at the rate of Two Thousand Seven Hundred Four Dollars (\$2,704.00) per year, payable to the Chancery Case Coordinator in equal monthly installments and Three Thousand One Hundred Fifty-nine Dollars (\$3,159.00) per year, payable to the Circuit Case Coordinator in equal monthly installments.

"Searcy County at the rate of One Thousand Three Hundred Sixty Dollars (\$1,360.00) per year, payable to the Chancery Case Coordinator in equal monthly installments and One Thousand Five Hundred Twenty-one Dollars (\$1,521.00) per year, payable to the Circuit Case Coordinator in equal monthly installments.

"(b) The salary of the Chancery Case Coordinator beginning January 1, 1990, shall remain at the amount set above.

"(c) The salary of the Circuit Case Coordinator beginning January 1, 1990, shall be at the rate of Twenty-one Thousand Dollars (\$21,000.00) per year and shall be paid by the counties in the Circuit as follows:

"Faulkner County at the rate of Fifteen Thousand Nine Hundred Sixty Dollars (\$15,950.00) per year, payable to the Circuit Case Coordinator in equal monthly installments.

"Van Buren County at the rate of Three Thousand Four Hundred Two Dollars (\$3,402.00) per year, payable to the Circuit Case Coordinator in equal monthly installments.

"Searcy County at the rate of One Thousand Six Hundred Thirty-eight Dollars (\$1,638.00) per year, payable to the Circuit Case Coordinator in equal monthly installments."

Acts 1989, No. 802, § 4(b), was repealed by Acts 1993, No. 131, § 3.

Publisher's Notes. Acts 1989, No. 802, § 6, provided that this act shall be retroactive to January 1, 1989.

16-13-2805. Case coordinators.

(a) Hereafter, each of the judges of the Twentieth Judicial District shall be empowered and directed to employ a case coordinator, whose duties shall be the maintenance of the court calendar, setting dates for trial of cases and for hearing of motions, and other related and incidental duties as directed by said judges.

(b) The case coordinators shall be appointed by the judges of the Twentieth Judicial District, one (1) for each court, and shall serve at the will of the respective judge.

History. Acts 1989, No. 802, §§ 1-3; 1993, No. 131, § 2.

A.C.R.C. Notes. Acts 1989, No. 802, § 4, provided: "(a) The salary for the period January 1, 1989, through December 31, 1989 for the Chancery Case Coordinator shall be not less than at the rate of Sixteen Thousand Dollars (\$16,000.00) per year and for the Circuit Case Coordinator shall be not less than at the rate of Nineteen Thousand Five Hundred Dollars (\$19,500.00), and shall be paid by the counties in the Circuit, as follows:

"Faulkner County at the rate of Eleven Thousand Nine Hundred Thirty-six Dollars (\$11,936.00) per year, payable to the Chancery Case Coordinator in equal monthly installments and Fourteen Thou-

sand Eight Hundred Twenty Dollars (\$14,820.00) per year, payable to the Circuit Case Coordinator in equal monthly installments.

"Van Buren County at the rate of Two Thousand Seven Hundred Four Dollars (\$2,704.00) per year, payable to the Chancery Case Coordinator in equal monthly installments and Three Thousand One Hundred Fifty-nine Dollars (\$3,159.00) per year, payable to the Circuit Case Coordinator in equal monthly installments.

"Searcy County at the rate of One Thousand Three Hundred Sixty Dollars (\$1,360.00) per year, payable to the Chancery Case Coordinator in equal monthly installments and One Thousand Five Hundred Twenty-one Dollars (\$1,521.00)

per year, payable to the Circuit Case Coordinator in equal monthly installments.

“(b) The salary of the Chancery Case Coordinator beginning January 1, 1990, shall remain at the amount set above.

“(c) The salary of the Circuit Case Coordinator beginning January 1, 1990, shall be at the rate of Twenty-one Thousand Dollars (\$21,000.00) per year and shall be paid by the counties in the Circuit as follows:

“Faulkner County at the rate of Fifteen Thousand Nine Hundred Sixty Dollars (\$15,950.00) per year, payable to the Circuit Case Coordinator in equal monthly installments.

“Van Buren County at the rate of Three Thousand Four Hundred Two Dollars

(\$3,402.00) per year, payable to the Circuit Case Coordinator in equal monthly installments.

“Searcy County at the rate of One Thousand Six Hundred Thirty-eight Dollars (\$1,638.00) per year, payable to the Circuit Case Coordinator in equal monthly installments.”

Acts 1989, No. 802, § 9, provided: “Nothing herein shall be construed to prevent the respective quorum courts of the counties in the district from paying more than the amounts set forth herein.”

Acts 1989, No. 802, § 4(b), was repealed by Acts 1993, No. 131, § 3.

Publisher's Notes. Acts 1989, No. 802, § 6, provided that this act shall be retroactive to January 1, 1989.

CASE NOTES

Cited: Villines v. Tucker, 324 Ark. 13, 918 S.W.2d 153 (1996).

SUBCHAPTER 29 — TWENTY-FIRST JUDICIAL CIRCUIT

SECTION.

16-13-2901. Composition.

16-13-2902. Terms of court.

SECTION.

16-13-2903. Election of judges.

A.C.R.C. Notes. Acts 1995, No. 1148, § 4, provided, in part: “Provided, however, that in the event that the district is separated into two districts or one county is removed from the district by state action, the shared time personnel currently funded by Sebastian County will be funded full time by Sebastian County. Provided further, that in the event that a Deputy within the district is selected to be interim Prosecutor said Deputy may take a leave of absence to fulfill this duty. Upon completion of said duty, the Deputy shall be entitled to return to either District's Prosecutor's Office with the consent of the Prosecuting Attorney at the level of funding that said Deputy would have been paid at had he not accepted the appointment duty. The Prosecutor of the Twelfth Circuit, at the request of the interim Prosecutor of the new District, may designate a Deputy to serve as the Deputy Prosecuting Attorney of the new District. In the event that this procedure is followed, that Deputy shall be able to return to Sebas-

tian County at the same pay as he is receiving at the time he is transferred back to Sebastian County from Crawford County at the end of the interim Prosecutor's term or any time before hand. For purposes of this Act, the new District shall be considered the one which is formed with Crawford County as a member county. Upon division, the prosecutor shall transfer all district equipment to Crawford County that is currently placed within the Crawford County Office at the time of the effective date of this Act and all equipment assigned to full time Crawford County personnel at the effective date of the separation Act.”

Acts 2001, No. 951, § 26, provided: “Twenty-first Judicial Circuit. (a) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 1 and presently held by Floyd Rogers shall be known and designated as Circuit Court, Division 1.

“(b) The circuit-chancery judgeship which is currently designated as Circuit-

Chancery Division 2 and presently held by Gary Cottrell shall be known and designated as Circuit Court, Division 2.”

Acts 2001, No. 951, § 29, provided: “The word ‘Division’ as used in this act shall refer only to the designation of the judicial positions for election purposes and does not refer to ‘subject matter divisions’ pursuant to Amendment 80, Section 6 of the

Arkansas Constitution.”

Acts 2001, No. 951, § 30, provided: “Should any additional circuit judgeships be created in a judicial circuit, there shall be created within that judicial circuit, an additional Division which shall be numbered sequentially and the judge appointed or elected thereto shall serve as the judge of the additional Division.”

16-13-2901. Composition.

The Twenty-first Judicial District shall be composed of Crawford County.

History. Acts 1995, No. 900, § 3.

16-13-2902. Terms of court.

The terms of court in the Twenty-first Judicial District shall be the first Monday in March, the second Monday in July, and the third Monday in November.

History. Acts 1995, No. 900, § 4.

16-13-2903. Election of judges.

The qualified electors of the Twenty-first Judicial District shall elect two (2) circuit-chancery judges.

History. Acts 1995, No. 900, § 7.

A.C.R.C. Notes. Section 19 of Amendment 80 to the Arkansas Constitution provided that all sitting circuit, chancery, and circuit chancery judges at the time the amendment took effect were to continue in office as circuit judges and that circuit courts were to have jurisdiction of all matters previously dealt with by circuit, chancery, and probate courts, including juvenile matters.

As enacted, this section provided: “At the 1998 General Election, the qualified electors of the Twenty-first Judicial Dis-

trict shall elect two circuit-chancery judges to take office on January 1, 1999. It is the intent of this act to not create the additional judgeship until January 1, 1999, and that no person be appointed for that position between the effective date of this act and the person elected in 1998 taking office on January 1, 1999.”

Acts 1995, No. 900, § 5, provided: “As of January 1, 1997, the Circuit Judge Division 1 of the Twelfth Judicial District is hereby designated as the Circuit/Chancery Judge of the Twenty-First Judicial District.”

SUBCHAPTER 30 — NINETEENTH JUDICIAL CIRCUIT

SECTION.

16-13-3001. Composition.

16-13-3002. Judges and chancellors.

SECTION.

16-13-3003. Prosecuting attorneys.

A.C.R.C. Notes. Current subchapter 27, "Nineteenth Judicial Circuit", which includes both counties of Benton and Carroll as one entity, has been expanded upon by subchapter 30, which designates Carroll County as "Nineteenth Judicial District-East" and Benton County as "Nineteenth Judicial District-West". Therefore, subchapter 27 currently will be retained as § 16-13-3002(f) states: "All existing laws not in conflict herewith pertaining to the Nineteenth Judicial District shall apply to the Nineteenth Judicial District-East and the Nineteenth Judicial District-West."

Acts 2001, No. 951, § 23, provided: "Nineteenth Judicial Circuit West.

"(a) The circuit judgeship which is currently designated as Circuit Division 1 and presently held by Tom Keith shall be known and designated as Circuit Court, Division 1

"(b) The circuit judgeship which is currently designated as Circuit Division 2 and presently held by David Clinger shall be known and designated as Circuit Court, Division 2.

"(c) The chancery judgeship which is currently designated as Chancery Division 1 and presently held by Xollie Duncan shall be known and designated as Circuit Court, Division 4.

"(d) The chancery judgeship which is currently designated as Chancery Division 2 and presently held by Donald R. Huffman shall be known and designated as Circuit Court, Division 5.

"(e) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 3 and presently held by Jay Finch shall be known and designated as Circuit Court, Division 3."

Acts 2001, No. 951, § 24, provided: "Nineteenth Judicial Circuit East. The circuit-chancery judgeship which is presently held by Alan Epley shall be known and designated as Circuit Court, Division 1."

Acts 2001, No. 951, § 29, provided: "The word 'Division' as used in this act shall refer only to the designation of the judicial positions for election purposes and does not refer to 'subject matter divisions' pursuant to Amendment 80, Section 6 of the Arkansas Constitution."

Acts 2001, No. 951, § 30, provided: "Should any additional circuit judgeships be created in a judicial circuit, there shall be created within that judicial circuit, an additional Division which shall be numbered sequentially and the judge appointed or selected thereto shall serve as the judge of the additional Division."

Effective Dates. Acts 2007, No. 168, § 7: July 1, 2007. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the Judicial Resources Assessment Committee has reviewed the caseloads of the various judicial districts; that the caseloads of the Second Judicial District, the Nineteenth Judicial District-West, the Twentieth Judicial District, the Twenty-second Judicial District, and the Twenty-third Judicial District necessitate the appointment of an additional circuit judges; and that this act is necessary to ensure the smooth, efficient, and timely administration of justice in the counties affected. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2007."

16-13-3001. Composition.

(a) Effective January 1, 1999, there is created the Nineteenth Judicial District-East, which shall be composed of Carroll County.

(b) Effective January 1, 1999, there is created the Nineteenth Judicial District-West, which shall be composed of Benton County.

History. Acts 1997, No. 797, § 1.

16-13-3002. Judges and chancellors.

(a) As of January 1, 1999, the Circuit-Chancery Judge of the Nineteenth Judicial District, who sits as judge of the juvenile division and Division Three of the circuit and chancery courts, is hereby designated as the Circuit-Chancery Judge of the Nineteenth Judicial District-East and shall sit as the judge of the circuit, chancery and probate courts and the juvenile division.

(b) At the 1998 General Election, the qualified electors of the Nineteenth Judicial District-East shall elect the circuit-chancery judge to take office on January 1, 1999.

(c) As of January 1, 1999, the Nineteenth Judicial District-West shall be served by one (1) Circuit Judge of the First Division; one (1) Circuit Judge of the Second Division; one (1) Chancery Judge of the First Division; one (1) Chancery Judge of the Second Division; and an additional circuit-chancery judge who shall perform the duties of the judge of the juvenile division and sit as judge of the circuit, chancery or probate court as time permits. The additional circuit-chancery judge shall be elected in 1998 to take office on January 1, 1999.

(d) As of the 1998 general election, the circuit, chancery, and circuit-chancery judges of the Nineteenth Judicial District-West shall hereafter be elected by qualified electors of the Nineteenth Judicial District-West. The current chancery judges shall serve the balance of their terms in the Nineteenth Judicial District-West.

(e) There shall be provided for the judge of the circuit-chancery judgeship created by this section a court reporter and a trial court administrative assistant whose salaries shall be fixed and paid in the manner provided by law for court reporters and trial court administrative assistants of the circuit and chancery courts of this state.

(f) All existing laws not in conflict herewith pertaining to the Nineteenth Judicial District shall apply to the Nineteenth Judicial District-East and the Nineteenth Judicial District-West.

(g) The judges of the Nineteenth Judicial District-East and the Nineteenth Judicial District-West may, by agreement, temporarily exchange districts or hold court for each other as they deem necessary or appropriate.

(h)(1) Effective January 1, 2009, there is created in the Nineteenth Judicial District-West an additional circuit judgeship that shall have jurisdiction in law, equity, probate, and juvenile matters.

(2)(A) The qualified electors of the 19th Judicial District - West shall elect the additional circuit judge created by subdivision (h)(1) of this section at the 2008 preferential primary election to take office on January 1, 2009.

(B) The additional circuit judge shall be elected from the 19th Judicial District - West, shall satisfy the same qualifications for holding office, and shall receive the same salary, expenses, and other allowances as provided by law for judges of the circuit courts.

(C) The circuit judge shall serve for elected terms of six (6) years.

(3) The county that composes the Nineteenth Judicial District-West shall provide courtroom and office facilities and supplies for the judge of the circuit judgeship created by subdivision (h)(1) of this section, which shall be paid out of the county treasury in the same manner as other demands against the county and out of funds appropriated by the quorum court of the county for these purposes.

(4) There shall be provided for the judge of the circuit judgeship created by subdivision (h)(1) of this section a court reporter and a trial court administrative assistant whose salaries shall be fixed and paid in the manner provided by law for court reporters and trial court administrative assistants of the circuit courts of this state.

History. Acts 1997, No. 797, § 2; 2007, No. 168, § 5.

A.C.R.C. Notes. Section 19 of Amendment 80 to the Arkansas Constitution provided that all sitting circuit, chancery, and circuit chancery judges at the time the amendment took effect were to continue in office as circuit judges and that circuit courts were to have jurisdiction of all matters previously dealt with by circuit, chancery, and probate courts, including juvenile matters.

Acts 2007, No. 168, § 1, provided: "The Judicial Resources Assessment Committee has reviewed the caseloads of various judicial districts and has determined that to ensure the smooth, efficient, and timely administration of justice additional circuit judgeships are needed in the Second Judi-

cial District, the Nineteenth Judicial District-West, the Twentieth Judicial District, the Twenty-second Judicial District, and the Twenty-third Judicial District. This act authorizes the establishment of five (5) additional circuit judgeships, articulates the applicable appointment and election process of the additional circuit judges, and identifies various resources that will be available."

In Acts 2007, No. 168, § 5, the term "2008 Nonpartisan Judicial General Election" should have been used in place of "2008 preferential primary election". Circuit judges are now elected on a nonpartisan basis pursuant to Arkansas Constitution, Amendment 80, § 17.

Amendments. The 2007 amendment added (h).

16-13-3003. Prosecuting attorneys.

(a) At the 1998 general election, the qualified electors of Carroll County shall elect a person who shall serve as the prosecuting attorney for the Nineteenth Judicial District-East beginning January 1, 1999.

(b) At the 1998 general election, the qualified electors of Benton County shall elect a person who shall serve as the prosecuting attorney for the Nineteenth Judicial District-West beginning January 1, 1999.

History. Acts 1997, No. 797, § 3.

SUBCHAPTER 31 — SEVENTH AND TWENTY-SECOND JUDICIAL CIRCUITS

SECTION.

- 16-13-3101. Composition.
- 16-13-3102. Terms of court.
- 16-13-3103. Judges and chancellors.
- 16-13-3104. Additional circuit-chancery judges.

SECTION.

- 16-13-3105. Court reporters.
- 16-13-3106. Bailiffs.
- 16-13-3107. Prosecuting attorneys.

A.C.R.C. Notes. Section 19 of Amendment 80 to the Arkansas Constitution provided that all sitting circuit, chancery, and circuit chancery judges at the time the amendment took effect were to continue in office as circuit judges and that circuit courts were to have jurisdiction of all matters previously dealt with by circuit, chancery, and probate courts, including juvenile matters.

Acts 2001, No. 951, § 7, provided: "Seventh Judicial Circuit.

"(a) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 1 and presently held by John W. Cole shall be known and designated as Circuit Court, Division 1.

"(b) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 2 and presently held by Phillip H. Shirron shall be known and designated as Circuit Court, Division 2."

Acts 2001, No. 951, § 27, provided: "Twenty-second Judicial Circuit. (a) The chancery judgeship which is currently designated as Chancery Division 1 and presently held by Robert Garrett shall be known and designated as Circuit Court, Division 1.

"(b) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 2 and presently held by Gary Arnold shall be known and designated as Circuit Court, Division 2.

"(c) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 3 and presently held by Grisham Phillips shall be known and designated as Circuit Court, Division 3."

Acts 2001, No. 951, § 29, provided: "The word 'Division' as used in this act shall refer only to the designation of the judicial positions for election purposes and does not refer to 'subject matter divisions' pursuant to Amendment 80, Section 6 of the Arkansas Constitution."

Acts 2001, No. 951, § 30, provided: "Should any additional circuit judgeships

be created in a judicial circuit, there shall be created within that judicial circuit, an additional Division which shall be numbered sequentially and the judge appointed or elected thereto shall serve as the judge of the additional Division."

Effective Dates. Acts 1999, No. 7, § 12: Jan. 28, 1999. Emergency clause provided: "It is hereby found and determined by the Eighty-second General Assembly, that this act is essential to the operation of the criminal justice system within the Seventh and Twenty-Second Judicial Districts, and is necessary to avoid confusion between the two districts. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

Acts 2007, No. 168, § 7: July 1, 2007. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the Judicial Resources Assessment Committee has reviewed the caseloads of the various judicial districts; that the caseloads of the Second Judicial District, the Nineteenth Judicial District-West, the Twentieth Judicial District, the Twenty-second Judicial District, and the Twenty-third Judicial District necessitate the appointment of an additional circuit judges; and that this act is necessary to ensure the smooth, efficient, and timely administration of justice in the counties affected. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2007."

16-13-3101. Composition.

(a) There is created the Twenty-second Judicial District which shall be composed of Saline County.

(b) There is created the Seventh Judicial District composed of Grant County and Hot Spring County.

History. Acts 1997, No. 827, § 1; 1999, No. 7, § 1.

A.C.R.C. Notes. Acts 1999, No. 7, § 8, provided: "Subject to review by the Senate Interim Committee on Judiciary of the Arkansas General Assembly, the Arkansas Code Revision Commission is authorized and directed to prepare a technical corrections bill for introduction in the next regular or special session of the Arkansas General Assembly to make the necessary changes to the Arkansas Code of 1987 Annotated consistent with the provisions of this act. Specifically, in addition to other

necessary changes determined to be consistent with this act and subject to review by the Senate Interim Committee on Judiciary, the Arkansas Code Revision Commission shall prepare legislation to change references to the Seventh Judicial District-North and the Seventh Judicial District-South, as well as similar and related references used throughout the Arkansas Code of 1987 Annotated to references consistent with the Seventh Judicial District and the Twenty-Second Judicial District, or divisions thereof, for purposes of uniformity and style."

16-13-3102. Terms of court.

(a) The terms of court in each county in the Twenty-second Judicial District shall commence on the third Mondays in March and September.

(b) The terms of court in each county in the Seventh Judicial District shall commence on the dates set forth below:

(1) Grant County: On the fourth Mondays in February and August; and

(2) Hot Spring County: On the second Mondays in January and July.

History. Acts 1997, No. 827, § 2; 1999, No. 7, § 2.

16-13-3103. Judges and chancellors.

(a) The qualified electors of the Twenty-second Judicial District shall elect:

(1) One (1) chancery judge of the First Division;

(2) One (1) circuit-chancery judge of the Second Division; and

(3) One (1) circuit-chancery judge of the Third Division.

(b) The qualified electors of the Seventh Judicial District shall elect:

(1) One (1) circuit-chancery judge of the First Division; and

(2) One (1) circuit-chancery judge of the Second Division.

(c)(1)(A) The chancery judge and circuit-chancery judges of the Twenty-second Judicial District may, by agreement, hold either of the circuit or chancery courts in their respective districts and may hear and try matters pending in any of those courts or may hear or try matters in the same court at the same time.

(B) The judges subject to subdivision (c)(1)(A) of this section may adopt such rules as they deem appropriate for the assignment of cases in the circuit and chancery courts of their judicial district.

(2)(A) The circuit-chancery judges of the Seventh Judicial District may, by agreement, hold either of the circuit or chancery courts in

their respective districts and may hear and try matters pending in any of those courts or may hear or try matters in the same court at the same time.

(B) The judges subject to subdivision (c)(2)(A) of this section may adopt such rules as they deem appropriate for the assignment of cases in the circuit and chancery courts of their judicial district.

(d)(1)(A) The judge of the Second Division in each district shall be the judge of the juvenile division of chancery court.

(B) The judge shall serve as judge of the juvenile division in lieu of the judge who would otherwise be designated as judge of the juvenile division of chancery court in the judicial district.

(2) The judge of the Second Division in each district shall devote such time as may be required to perform the duties of judge of the juvenile division, which duties shall be the primary obligation of the judge, and shall sit as judge of the circuit, chancery, or probate court as time permits.

(e)(1) Effective January 1, 2009, there is created in the Twenty-second Judicial District an additional circuit judgeship that shall have jurisdiction in law, equity, probate, and juvenile matters.

(2)(A) The qualified electors of the district shall elect the additional circuit judge created by subdivision (e)(1) of this section at the 2008 preferential primary election to take office on January 1, 2009.

(B) The additional circuit judge shall be elected from the district, shall satisfy the same qualifications for holding office, and shall receive the same salary, expenses, and other allowances as provided by law for judges of the circuit courts.

(C) The circuit judge shall serve for elected terms of six (6) years.

(3) The county that composes the Twenty-second Judicial District shall provide courtroom and office facilities and supplies for the judge of the circuit judgeship created by subdivision (e)(1) of this section, which shall be paid out of the county treasury in the same manner as other demands against the county and out of funds appropriated by the quorum court of the county for these purposes.

(4) There shall be provided for the judge of the circuit judgeship created by subdivision (e)(1) of this section a court reporter and a trial court administrative assistant whose salaries shall be fixed and paid in the manner provided by law for court reporters and trial court administrative assistants of the circuit courts of this state.

History. Acts 1997, No. 827, § 3; 1999, No. 7, § 3; 2007, No. 168, § 6.

A.C.R.C. Notes. Acts 2007, No. 168, § 1, provided: "The Judicial Resources Assessment Committee has reviewed the caseloads of various judicial districts and has determined that to ensure the smooth, efficient, and timely administration of justice additional circuit judgeships are needed in the Second Judicial District, the Nineteenth Judicial District-West, the

Twentieth Judicial District, the Twenty-second Judicial District, and the Twenty-third Judicial District. This act authorizes the establishment of five (5) additional circuit judgeships, articulates the applicable appointment and election process of the additional circuit judges, and identifies various resources that will be available."

In Acts 2007, No. 168, § 6, the term "2008 Nonpartisan Judicial General Elec-

tion" should have been used in place of "2008 preferential primary election". Circuit judges are now elected on a nonpartisan basis pursuant to Arkansas Constitution, Amendment 80, § 17.

16-13-3104. Additional circuit-chancery judges.

(a) The chancery judge of the Seventh Judicial District-North is hereby designated as the chancery judge of the Twenty-second Judicial District.

(b) At the 1998 general election, the qualified electors of the Twenty-second Judicial District shall elect two (2) circuit-chancery judges to take office on January 1, 1999.

(c) At the 1998 general election, the qualified electors of the Seventh Judicial District shall elect two (2) circuit-chancery judges to take office on January 1, 1999.

History. Acts 1997, No. 827, § 4; 1999, No. 7, § 4.

16-13-3105. Court reporters.

(a) Each of the chancery and circuit-chancery judges provided for in this subchapter is authorized to employ a court reporter.

(b) The court reporters shall receive such compensation as is provided by law.

History. Acts 1997, No. 827, § 5; 1999, No. 7, § 5.

16-13-3106. Bailiffs.

(a)(1) The circuit-chancery judges of the Twenty-second Judicial District may each appoint so many court bailiffs as the quorum courts of the district shall fund.

(2) The circuit-chancery judges of the Seventh Judicial District may each appoint so many court bailiffs as the quorum court of the district shall fund.

(b)(1) The duties of the bailiffs shall include:

(A) Their attendance in their respective courts when court is in session and the supervision and maintenance of order in their respective courtrooms;

(B) Providing security for criminal defendants, juries, and judges; and

(C) Other incidental and related duties at the direction of the respective judges.

(2) When acting within the scope of their duties as court bailiffs, the bailiffs shall exercise all the powers of a deputy sheriff, which shall include the power to make arrests, carry a weapon, and serve summonses, and may maintain law enforcement certification existing or acquired during their service as bailiffs.

History. Acts 1997, No. 827, § 6; 1999, No. 7, § 6.

16-13-3107. Prosecuting attorneys.

(a) At the 1998 general election, the qualified electors of Saline County shall elect a person who shall serve as the prosecuting attorney for the Twenty-second Judicial District beginning January 1, 1999.

(b) At the 1998 general election, the qualified electors of Hot Spring County and Grant County shall elect a person who shall serve as the prosecuting attorney for the Seventh Judicial District beginning January 1, 1999.

History. Acts 1997, No. 827, § 8; 1999, No. 7, § 7.

SUBCHAPTER 32 — EIGHTH JUDICIAL CIRCUIT

SECTION.

16-13-3201. Composition.

16-13-3202. Judges and chancellors in the Eighth Judicial District-North.

16-13-3203. Judges and chancellors in the Eighth Judicial District-South.

SECTION.

16-13-3204. Additional judges.

16-13-3205. Prosecuting attorneys.

16-13-3206. Additional judge — Staff.

A.C.R.C. Notes. Section 19 of Amendment 80 to the Arkansas Constitution provided that all sitting circuit, chancery, and circuit chancery judges at the time the amendment took effect were to continue in office as circuit judges and that circuit courts were to have jurisdiction of all matters previously dealt with by circuit, chancery, and probate courts, including juvenile matters.

Acts 2001, No. 951, § 8, provided: “Eighth Judicial Circuit North. (a) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 1 and presently held by Jim Gunter shall be known and designated as Circuit Court, Division 1.

“(b) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 2 and presently held by Duncan Culpepper shall be known and designated as Circuit Court, Division 2.”

Acts 2001, No. 951, § 9, provided: “Eighth Judicial Circuit South. (a) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 1 and presently held by Joe Griffin

shall be known and designated as Circuit Court, Division 1.

“(b) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 2 and presently held by Jim Hudson shall be known and designated as Circuit Court, Division 2.

“(c) The circuit-chancery judgeship which is currently designated as Circuit-Chancery Division 3 and presently held by Philip B. Purifoy shall be known and designated as Circuit Court, Division 3.”

Acts 2001, No. 951, § 29, provided: “The word ‘Division’ as used in this act shall refer only to the designation of the judicial positions for election purposes and does not refer to ‘subject matter divisions’ pursuant to Amendment 80, Section 6 of the Arkansas Constitution.”

Acts 2001, No. 951, § 30, provided: “Should any additional circuit judgeships be created in a judicial circuit, there shall be created within that judicial circuit, an additional Division which shall be numbered sequentially and the judge appointed or elected thereto shall serve as the judge of the additional Division.”

16-13-3201. Composition.

(a) Effective January 1, 1999, there is created the Eighth Judicial District-North composed of Hempstead and Nevada counties.

(b) Effective January 1, 1999, there is created the Eighth Judicial District-South composed of Lafayette and Miller counties.

History. Acts 1997, No. 1270, § 1.

16-13-3202. Judges and chancellors in the Eighth Judicial District-North.

(a) The qualified electors of the Eighth Judicial District-North shall elect:

- (1) One (1) circuit-chancery judge of the First Division; and
- (2) One (1) circuit-chancery judge of the Second Division.

(b)(1) The judge of the First Division of the Eighth Judicial District-North shall sit as the judge of the circuit court, chancery court, and probate court.

(2) The judge of the Second Division of the Eighth Judicial District-North shall sit as judge of the circuit court, chancery court, probate court, and the juvenile division of the chancery court.

(c) If any additional circuit-chancery judgeship is created, an additional division shall be established, and the judge shall serve as the judge of the additional division.

(d) A judge shall be elected, every four (4) years, for each division of the circuit-chancery court of the Eighth Judicial District-North, and candidates for the offices shall designate and qualify as candidates for the particular division of the court to which they seek election.

History. Acts 1997, No. 1270, § 2.

16-13-3203. Judges and chancellors in the Eighth Judicial District-South.

(a) The qualified electors of the Eighth Judicial District-South shall elect:

- (1) One (1) circuit-chancery judge of the First Division;
- (2) One (1) circuit-chancery judge of the Second Division; and
- (3) One (1) circuit-chancery judge of the Third Division.

(b) The judges of the Eighth Judicial District-South shall sit as judges of the circuit court, chancery court, probate court, and juvenile division of the chancery court.

(c) If any additional circuit-chancery judgeship is created, an additional division shall be established, and the judge shall serve as the judge of the additional division.

(d) A judge shall be elected, every four (4) years, for each division of the circuit-chancery court of the Eighth Judicial District-South, and candidates for the offices shall designate and qualify as candidates for the particular division of the court to which they seek election.

History. Acts 1997, No. 1270, § 3.

16-13-3204. Additional judges.

(a) At the 1998 general election, the qualified electors of the Eighth Judicial District-North shall elect two (2) circuit-chancery judges to take office on January 1, 1999.

(b) At the 1998 general election, the qualified electors of the Eighth Judicial District-South shall elect three (3) circuit-chancery judges to take office on January 1, 1999.

History. Acts 1997, No. 1270, § 4.

16-13-3205. Prosecuting attorneys.

(a) At the 1998 general election the qualified electors of Hempstead and Nevada counties shall elect a person who shall serve as the prosecuting attorney for the Eighth Judicial District-North beginning January 1, 1999.

(b) At the 1998 general election the qualified electors of Lafayette and Miller counties shall elect a person who shall serve as the prosecuting attorney for the Eighth Judicial District-South beginning January 1, 1999.

History. Acts 1997, No. 1270, § 7.

16-13-3206. Additional judge — Staff.

There shall be provided for the judge of the circuit-chancery judgeship created by this subchapter a court reporter and a trial court administrative assistant whose salaries shall be fixed and paid in a manner provided by law for court reporters and trial court administrative assistants of the circuit and chancery courts of this state.

History. Acts 1997, No. 1270, § 6.

CHAPTER 14

PROBATE COURTS

SECTION.

16-14-101 — 16-14-316. [Repealed.]

16-14-101 — 16-14-316. [Repealed.]

Publisher's Notes. This chapter, concerning probate courts, was repealed by Acts 2003, No. 1185, § 99. The chapter was derived from the following sources:

16-14-101. Acts 1969, No. 358, § 1; A.S.A. 1947, § 22-406.1.

16-14-102. Acts 1969, No. 358, § 2; A.S.A. 1947, § 22-406.2.

16-14-103. Rev. Stat., ch. 43, § 24; C. & M. Dig., §§ 2107, 6400; Pope's Dig., §§ 2711, 8362; A.S.A. 1947, § 22-113.

16-14-104. Acts 1961, No. 135, §§ 1-5; A.S.A. 1947, §§ 22-342 — 22-346.

16-14-105. Acts 1983, No. 898, §§ 1-4; A.S.A. 1947, §§ 22-522 — 22-525; Acts 1995, No. 1256, § 4; 1997, No. 788, § 11;

1997, No. 1341, § 11; 1999, No. 1081, § 5; 2001, No. 1045, § 1.

16-14-106. Acts 1981 (Ex. Sess.), No. 16, § 7; 1983, No. 868, § 2; A.S.A. 1947, § 22-367.4; Acts 1987, No. 581, § 1.

16-14-107. Acts 1981 (Ex. Sess.), No. 16, § 6; 1985, No. 63, § 1; A.S.A. 1947, § 22-367.3.

16-14-108. Acts 1969, No. 358, § 3; A.S.A. 1947, § 22-406.3.

16-14-109. Rev. Stat., ch. 43, § 47; C. & M. Dig., § 2118; Pope's Dig., § 2722; A.S.A. 1947, § 22-125.

16-14-201. Acts 1941, No. 448, §§ 5, 6; A.S.A. 1947, §§ 22-512, 22-512n.

16-14-202. Acts 1941, No. 448, § 1; 1943, No. 84, § 1; A.S.A. 1947, § 22-508.

16-14-203. Acts 1941, No. 448, § 1; 1943, No. 84, § 1; A.S.A. 1947, § 22-508. Acts 1941, No. 448, § 1; 1943, No. 84, § 1; A.S.A. 1947, § 22-508.

16-14-204. Acts 1941, No. 448, § 1; 1943, No. 84, § 1; A.S.A. 1947, § 22-508.

16-14-205. Acts 1941, No. 448, § 2; A.S.A. 1947, § 22-509.

16-14-206. Acts 1987, No. 520, § 1.

16-14-301. Acts 1939, No. 138, § 6; A.S.A. 1947, § 22-518.

16-14-302. Acts 1939, No. 138, § 1; A.S.A. 1947, § 22-513.

16-14-303. Acts 1939, No. 138, § 2; A.S.A. 1947, § 22-514.

16-14-304. Acts 1939, No. 138, § 2; A.S.A. 1947, § 22-514.

16-14-305. Acts 1939, No. 138, § 2; A.S.A. 1947, § 22-514.

16-14-306. Acts 1939, No. 138, § 2; A.S.A. 1947, § 22-514.

16-14-307. Acts 1939, No. 138, § 3; A.S.A. 1947, § 22-515.

16-14-308. Acts 1939, No. 138, § 5; A.S.A. 1947, § 22-517.

16-14-309. Acts 1939, No. 138, § 9; A.S.A. 1947, § 22-521.

16-14-310. Acts 1939, No. 138, § 4; A.S.A. 1947, § 22-516.

16-14-311. Acts 1939, No. 138, § 12; A.S.A. 1947, § 22-514.

16-14-312. Acts 1939, No. 138, § 1; A.S.A. 1947, § 22-513.

16-14-313. Acts 1939, No. 138, § 7; A.S.A. 1947, § 22-519.

16-14-314. Acts 1939, No. 138, § 7; A.S.A. 1947, § 22-519.

16-14-315. Acts 1939, No. 138, § 8; A.S.A. 1947, § 22-520.

16-14-316. Acts 1939, No. 138, § 7; A.S.A. 1947, § 22-519.

CHAPTER 15

COUNTY COURTS

SECTION.

16-15-101. Terms of court.

16-15-102. Special terms.

16-15-103. Change of term upon conflict with circuit court — Exception.

16-15-104. Adjournment — Recess.

16-15-105. Sessions.

16-15-106. Punishment for contempt.

16-15-107. Approval of bonds in vacation.

16-15-108. Special judges.

SECTION.

16-15-109. Interest in county contracts or transactions prohibited.

16-15-110. Judge not to be interested party in county contracts, projects, buildings, etc.

16-15-111. Disqualification of judges.

16-15-112. Sheriff's attendance at court sessions.

16-15-113. Court expenses — Payment.

Publisher's Notes. County government was reorganized in 1977 by the Arkansas County Government Code, § 14-14-101 et seq. For the current provisions regarding the jurisdiction and powers of the county courts, see § 14-14-1101 et seq.

Effective Dates. Acts 1873, No. 31, § 30: effective on passage.

Acts 1875, No. 55, § 80: effective on passage.

Acts 1875, No. 73, § 4: effective on passage.

Acts 1879, No. 50, § 3: effective on passage.

Acts 1887, No. 107, § 2: effective on passage.

Acts 1963, No. 214, § 9: Mar. 8, 1963. Emergency clause provided: "It has been found and is declared by the General Assembly of Arkansas that great confusion now exists concerning the terms of county courts, that there is urgent need for definitive procedural legislation, and that enactment of this bill will provide for

more efficient administration of the county courts. Therefore, an emergency is declared to exist, and this act being necessary for the preservation of public peace, health, and safety, shall take effect and be in force from the date of its approval."

RESEARCH REFERENCES

Ark. L. Rev. The Arkansas Judiciary at the Crossroads (Oscar Fendler), 17 Ark. L. Rev. 259.
Arkansas' Judiciary: Its History and Structure, 18 Ark. L. Rev. 152.
A New Judicial System for Arkansas, 24 Ark. L. Rev. 221.

Comment, County Government Reorganization in Arkansas, 28 Ark. L. Rev. 226.
C.J.S. 21 C.J.S., Courts, § 105.

16-15-101. Terms of court.

- (a) The regular terms of the county courts of the several counties of this state shall commence on the first Mondays in January, April, July, and October of each year.
- (b)(1) The county court shall be open, by operation of law, at the beginning of each regular term of the court, as set forth in subsection (a) of this section, and shall remain open until the beginning of the next term of the court.
- (2) No term of the court shall lapse by reason of the fact that the court was not formally opened at the beginning of the term.

History. Acts 1963, No. 214, §§ 1, 2; A.S.A. 1947, §§ 22-603, 22-603.1.

Cross References. Change of term not to affect proceedings, § 16-10-113.

16-15-102. Special terms.

- (a) The county judge of any county may hold a special term of the county court when the public good of the county demands it.
- (b) Before any special term of a county court shall be held, the county judge shall give a notice ten (10) days before the special term is held by posting ten (10) written or printed notices in ten (10) of the most public places in the county, including one (1) notice on the door of the office of the clerk of the county.

History. Acts 1879, No. 50, §§ 1, 2, p. 60; C. & M. Dig., §§ 2269, 2270; Pope's Dig., §§ 2896, 2897; A.S.A. 1947, §§ 22-606, 22-607.

CASE NOTES

Applicability.

This section did not apply to a quorum court levying appropriations which was lawfully in session on giving notice of the session to the justices of the peace af-

fectured, since the session was an emergency session. *Cleveland County v. Pearce*, 171 Ark. 1145, 287 S.W. 593 (1926).

16-15-103. Change of term upon conflict with circuit court — Exception.

(a)(1) Whenever it shall happen that the time for holding the county court and circuit court in any county shall be on the same day, the county judge shall not commence his or her court until two (2) weeks thereafter.

(2) This section shall not apply to counties having separate county clerks, as provided for in Arkansas Constitution, Article 7, § 19.

(b) All process of whatever description shall be returnable and have day and trial in the same manner as if the county court had been held at the regular time prescribed by law.

History. Acts 1875, No. 55, § 77, p. 138; 1887, No. 107, § 1, p. 198; C. & M. Dig., §§ 2267, 2268; Pope's Dig., §§ 2894, 2895; A.S.A. 1947, §§ 22-604, 22-605.

Publisher's Notes. Ark. Const., Art. 7, § 19, which provided, in part, for the election of a separate county clerk in those counties having a population exceeding 15,000 inhabitants, was modified by Ark.

Const. Amend. 41, providing that the provisions for the election of a county clerk upon a population basis were abolished and that "there may be elected a county clerk in like manner as a circuit clerk."

Cross References. Terms of county courts to be held at times prescribed for supervisor's courts, § 14-14-1001.

CASE NOTES

Applicability.

This section does not apply to terms of levying court. *Hilliard v. Bunker*, 68 Ark. 340, 58 S.W. 362 (1900).

16-15-104. Adjournment — Recess.

There shall be no adjournments of county courts, but the county courts shall be deemed in recess when not engaged in the transaction of business.

History. Acts 1963, No. 214, § 3; A.S.A. 1947, § 22-603.2.

16-15-105. Sessions.

(a) Each county court may, by rule or order, fix times and places when the court will be in session for the transaction of business; but such scheduled sittings of the court shall not preclude the transaction of business by the court at other times or places.

(b) In counties having more than one (1) judicial district, the county court shall be concurrently in session in each district.

History. Acts 1963, No. 214, §§ 4, 5; A.S.A. 1947, §§ 22-603.3, 22-603.4.

16-15-106. Punishment for contempt.

The county court of each county, for an interruption of its proceedings or any contempt offered it while in session, shall have the power to impose a Class C misdemeanor.

History. Acts 1873, No. 31, § 22, p. 53; C. & M. Dig., § 2284; Pope's Dig., § 2911; A.S.A. 1947, § 22-615; Acts 2005, No. 1994, § 411.

Amendments. The 2005 amendment substituted "Class C misdemeanor" for

"fine not exceeding fifty dollars (\$50.00) and to imprison the offender or offenders for each offense, not exceeding twenty-four (24) hours."

Cross References. Contempt of court, § 16-10-108.

16-15-107. Approval of bonds in vacation.

The judge of the county court shall have power, in vacation, to approve any bond requiring the approval of the court by law. The bond, so approved by the judge, shall be submitted to the court, at its next regular meeting, for their approval or rejection, and, if rejected, a new bond and surety shall be given.

History. Acts 1873, No. 31, § 29, p. 53; C. & M. Dig., § 2278; Pope's Dig., § 2905; A.S.A. 1947, § 22-611.

16-15-108. Special judges.

(a) When any county judge of the state shall be physically unable to attend to the business of his or her court to the extent that the business of the county court shall suffer on account of the physical disability, the circuit judge of the district in which the county is located shall have authority to certify to the Governor the physical disability of the county judge. The Governor shall appoint someone to hold the county court until such time as the regular county judge shall be physically able to resume his or her official duties.

(b) Every person appointed to serve as special judge of a county court shall be entitled to receive compensation at the rate of forty dollars (\$40.00) per day for each day he or she shall sit, to be paid out of the county treasury.

History. Acts 1875, No. 73, § 3, p. 163; 1915, No. 340, § 1; C. & M. Dig., §§ 2276, 8728; Pope's Dig., §§ 2903, 11419; Acts

1975, No. 345, § 1; 1977, No. 765, § 1; A.S.A. 1947, §§ 22-132, 22-613.

16-15-109. Interest in county contracts or transactions prohibited.

(a)(1) It shall be unlawful for any county judge to be interested, either directly or indirectly, in any contract or transaction made or entered into in his or her county or on behalf of his or her county or to accept or receive any property, money, or other valuable thing for his or her use or benefit on account of, connected with, or growing out of any contract or transaction had or made for his or her county.

(2) If, in the purchase of any materials, supplies, equipment, or machinery for the county, any discounts, credits, or allowances are given or allowed, they shall be for the benefit of the county. It shall be unlawful for the county judge to accept or retain the discounts, credits, or allowances for his or her own use or benefit. All such discounts, credits, or allowances must be given to the county.

(b) A violation of any of the provisions of this section shall be a misdemeanor, and upon conviction the county judge shall be punished by a fine of not less than three hundred dollars (\$300) nor more than one thousand dollars (\$1,000). In addition, the county judge shall be removed from office, and his or her successor shall be appointed as is provided by law.

History. Acts 1953, No. 218, §§ 1, 2;
A.S.A. 1947, §§ 22-612.1, 22-612.2.

CASE NOTES

ANALYSIS

County Contractor Bond Loan.
Improvements.

County Contractor Bond Loan.

Judge who guaranteed a bond loan for a county contractor had an "interest" in a county contract in violation of subsection (a) of this section and was properly removed from office pursuant to subsection

(b) of this section. *Moncrief v. State*, 325 Ark. 173, 925 S.W.2d 776 (1996).

Improvements.

Interest of a county judge in an improvement to which the county contributes with its labor and machinery is a violation of this section just as much as if the county had paid out cash. *McGhee v. Glenn*, 244 Ark. 1000, 428 S.W.2d 258 (1968).

16-15-110. Judge not to be interested party in county contracts, projects, buildings, etc.

It shall be unlawful for any county judge in this state to be either directly or indirectly interested, in his or her own county, in:

(1) The building or repairing of any public building or the building or repairing of any public bridge;

(2) Any toll bridge or causeway;

(3) Any public ferry;

(4) The keeping, feeding, or clothing of any pauper or poor or insane person;

(5) Any real or personal property, stationery, furniture, wood, or other materials purchased for the use of the county; or

(6) Any internal improvement to be paid for, in whole or in part, by the county.

History. Acts 1873, No. 31, § 21, p. 53; C. & M. Dig., § 2277; Pope's Dig., § 2904; A.S.A. 1947, § 22-612.

Cross References. Violation of provisions governing claims against counties, §§ 14-23-106, 14-23-202.

CASE NOTES

ANALYSIS

Jury Question.
Office Expenses.

Jury Question.

Evidence that county judge received rentals for use of an air compressor on the public roads of the county, which compressor he had received, at the time he was sheriff, in a trade of a county-owned rock crusher, was sufficient to present a ques-

tion of fact for the jury. *State v. Anderson*, 200 Ark. 588, 139 S.W.2d 682 (1940).

Office Expenses.

Practice of county judge of reimbursing himself from county funds for out-of-pocket office expenses was illegal, but taxpayer could not recover amount of withdrawals for the county if county received full value. *Ward v. Farrell*, 221 Ark. 363, 253 S.W.2d 353 (1952).

16-15-111. Disqualification of judges.

No judge of the county court shall sit on the determination of any case in which he or she is interested in the outcome, is related to any party within the third degree of consanguinity or affinity, has been of counsel, or is otherwise disqualified under the Arkansas Code of Judicial Conduct, unless the parties waive the disqualification as provided therein.

History. Rev. Stat., ch. 43, § 24; C. & M. Dig., §§ 2107, 6400; Pope's Dig., §§ 2711, 8362; A.S.A. 1947, § 22-113; Acts 2003, No. 1185, § 100.

Publisher's Notes. Rev. Stat., ch. 43,

§ 24, is also codified as § 16-13-214, 16-13-312 [repealed], 16-14-103 [repealed], 16-19-206 [repealed].

Cross References. Computing degrees of consanguinity, § 28-9-212.

RESEARCH REFERENCES

Ark. L. Rev. Brill, *The Arkansas Code of Judicial Conduct*, 35 Ark. L. Rev. 247.

CASE NOTES

ANALYSIS

Purpose.
Acting as Counsel.
Bias or Prejudice.
Continuance.
Interest.
Presumption.
Relationship.

Purpose.

This section and § 16-13-101 tend to carry out the intention of Ark. Const., Art. 7, § 20 [repealed]. *Mears v. Hall*, 263 Ark. 827, 569 S.W.2d 91 (1978).

Acting as Counsel.

The objection that a judge was disqualified by reason of having appeared for the plaintiffs in a previous suit against the

defendants upon the same cause of action which had been dismissed for want of prosecution will be deemed waived where the cause was allowed to proceed to judgment without calling the judge's attention to his disqualification. *Washington Fire Ins. Co. v. Hogan*, 139 Ark. 130, 213 S.W. 7 (1919).

Bias or Prejudice.

Prejudice is not ground for disqualifying judge. *Jones v. State*, 61 Ark. 88, 32 S.W. 81 (1895).

Whether a judge has become biased to the point that he should disqualify himself is a matter to be confined to the conscience of the judge; the reason is that bias is a subjective matter peculiarly within the knowledge of the trial judge. Thus, absent some objective demonstration of prejudice, it is a communication of bias which will cause an appellate court to reverse a trial judge's decision on disqualification. *Matthews v. Rodgers*, 279 Ark. 328, 651 S.W.2d 453 (1983).

Continuance.

It is no ground of error that a judge who was incompetent to sit in a cause took jurisdiction of it so far as to grant a continuance, for it would have been continued by operation of law, without action of the judge, he being incompetent to try it. *Stone v. Robinson*, 9 Ark. (4 English) 469 (1849).

Interest.

The interest which disqualifies a judge is not the kind of interest which one feels in public proceedings or public measures; it must be a pecuniary or property interest or one affecting his individual rights; and the liability of pecuniary gain or relief must occur upon the event of the suit and not result remotely in the future from the general operation of laws and government upon the status fixed by the decision. *Osborne v. Board of Imp.*, 94 Ark. 563, 128 S.W. 357 (1910).

The "interest" which is disqualifying under this section, § 16-13-101, and Ark. Const., Art. 7, § 20 [repealed], is a personal proprietary or pecuniary interest or one affecting the individual rights of the judge, and the liability, gain or relief to the judge must turn on the outcome of the suit. *Mears v. Hall*, 263 Ark. 827, 569 S.W.2d 91 (1978).

Presumption.

Where the record fails to show that the court acted on a suggestion of disqualification, it will be presumed that he found that he was not disqualified. *Davis v. Atkinson*, 75 Ark. 300, 87 S.W. 432 (1905).

Relationship.

The husband of the aunt is related to the husband of her niece within the fourth degree of affinity. *Kelly v. Neely*, 12 Ark. 657 (1852).

At common law, a judge was not disqualified by reason of relationship to one of the parties to the suit. *Morrow v. Watts*, 80 Ark. 57, 95 S.W. 988 (1906).

A judge is disqualified when related within prohibited degree to attorney in the case who has a contingent interest in that his fee is dependent upon the determination of the cause. *Johnson v. State*, 87 Ark. 45, 112 S.W. 143 (1908).

When the relationship is within the proscribed limits, neither the frequency of contact nor the closeness of the individuals bears on the result. *Morton v. Benton Publishing Co.*, 291 Ark. 620, 727 S.W.2d 824 (1987).

Where one spouse's relationship with a judge comes within the prohibition of Ark. Const., Art. 7, § 20 [repealed], this section, and §§ 16-13-214, 16-13-312 [repealed], 16-14-103 [repealed], or § 16-19-206 [repealed], the other spouse shares the same degree of relationship by affinity to the judge. *Morton v. Benton Publishing Co.*, 291 Ark. 620, 727 S.W.2d 824 (1987).

Cited: *Braswell v. Gehl*, 263 Ark. 706, 567 S.W.2d 113 (1978).

16-15-112. Sheriff's attendance at court sessions.

It shall be the duty of the sheriff to attend each regular or special session of the county court for his or her county, either in person or by deputy, and to execute all orders and precepts made by the court. For his or her attendance, the sheriff shall be entitled to receive such fees as are allowed by law to sheriffs for executing the orders and precepts made by the county courts.

History. Acts 1873, No. 31, § 6, p. 53; C. & M. Dig., § 2272; Pope's Dig., § 2899; A.S.A. 1947, § 22-614.

Cross References. Sheriff of court, § 16-10-122.

CASE NOTES

ANALYSIS

Absence of Sheriff.
Contempt.

Absence of Sheriff.

Although a sheriff can be forced to attend a session of the county court, sessions held without the presence of the sheriff are valid, and a holding that a sheriff could prevent a session from being

valid by merely staying away would be unreasonable. *Adams v. Tackett*, 236 Ark. 171, 365 S.W.2d 125 (1963).

Contempt.

A suit by a county judge to enjoin a sheriff from interfering with an order of the county court does not lie; the proper remedy is to cite the sheriff for contempt upon his refusal to obey. *Penix v. Shaddox*, 165 Ark. 152, 263 S.W. 389 (1924).

16-15-113. Court expenses — Payment.

The expenses accruing in the county courts shall be paid out of the county treasury in which the court is held in the same manner as other demands.

History. Rev. Stat., ch. 43, § 47; C. & M. Dig., § 2118; Pope's Dig., § 2722; A.S.A. 1947, § 22-125.

Publisher's Notes. Rev. Stat., ch. 43, § 47, is also codified as §§ 16-13-219, 16-13-324, and 16-14-109.

CHAPTER 16

COURTS OF COMMON PLEAS

SECTION.

16-16-201 — 16-16-1115. [Repealed.]

16-16-201 — 16-16-1115. [Repealed.]

Publisher's Notes. This chapter was repealed by Acts 2001, No. 915, § 1. The chapter was derived from the following sources:

16-16-201. Acts 1915, No. 339, § 1; A.S.A. 1947, § 22-615n.

16-16-202. Acts 1915, No. 339, § 2; A.S.A. 1947, § 22-615n.

16-16-203. Acts 1915, No. 339, § 3; A.S.A. 1947, § 22-615n.

16-16-204. Acts 1915, No. 339, § 7; A.S.A. 1947, § 22-615n.

16-16-205. Acts 1915, No. 339, § 3; A.S.A. 1947, § 22-615n.

16-16-206. Acts 1915, No. 339, § 6; A.S.A. 1947, § 22-615n.

16-16-207. Acts 1915, No. 339, § 14; A.S.A. 1947, § 22-615n.

16-16-208. Acts 1915, No. 339, §§ 6, 14; A.S.A. 1947, § 22-615n.

16-16-209. Acts 1915, No. 339, §§ 12, 13; A.S.A. 1947, § 22-615n.

16-16-210. Acts 1915, No. 339, §§ 4, 5; A.S.A. 1947, § 22-615n.

16-16-211. Acts 1915, No. 339, § 8; A.S.A. 1947, § 22-615n.

16-16-212. Acts 1915, No. 339, § 15; A.S.A. 1947, § 22-615n.

16-16-213. Acts 1915, No. 339, §§ 9-11; A.S.A. 1947, § 22-615n.

16-16-301. Acts 1909, No. 352, § 2, p. 1028; A.S.A. 1947, § 22-615n.

16-16-302. Acts 1909, No. 352, § 1, p. 1028; A.S.A. 1947, § 22-615n.

16-16-303. Acts 1909, No. 352, § 3, p. 1028; A.S.A. 1947, § 22-615n.

- 16-16-304. Acts 1909, No. 352, § 4, p. 1028; A.S.A. 1947, § 22-615n.
- 16-16-305. Acts 1909, No. 352, § 10, p. 1028; A.S.A. 1947, § 22-615n.
- 16-16-306. Acts 1909, No. 352, § 9, p. 1028; A.S.A. 1947, § 22-615n.
- 16-16-307. Acts 1909, No. 352, § 8, p. 1028; A.S.A. 1947, § 22-615n.
- 16-16-308. Acts 1909, No. 352, § 19, p. 1028; A.S.A. 1947, § 22-615n.
- 16-16-309. Acts 1909, No. 352, §§ 8, 19, p. 1028; A.S.A. 1947, § 22-615n.
- 16-16-310. Acts 1909, No. 352, § 18, p. 1028; A.S.A. 1947, § 22-615n.
- 16-16-311. Acts 1909, No. 352, §§ 5, 6, p. 1028; A.S.A. 1947, § 22-615n.
- 16-16-312. Acts 1909, No. 352, § 11, p. 1028; A.S.A. 1947, § 22-615n.
- 16-16-313. Acts 1909, No. 352, § 7, p. 1028; A.S.A. 1947, § 22-615n.
- 16-16-314. Acts 1909, No. 352, § 12, p. 1028; A.S.A. 1947, § 22-615n.
- 16-16-315. Acts 1909, No. 352, §§ 13-17, p. 1028; A.S.A. 1947, § 22-615n.
- 16-16-401. Acts 1905, No. 149, § 1, p. 364; 1961, No. 13, § 1; A.S.A. 1947, § 22-615n.
- 16-16-402. Acts 1905, No. 149, § 5, p. 364; A.S.A. 1947, § 22-615n.
- 16-16-403. Acts 1905, No. 149, § 4, p. 364; 1923, No. 95, § 1; A.S.A. 1947, § 22-615n.
- 16-16-404. Acts 1905, No. 149, § 9, p. 364; A.S.A. 1947, § 22-615n.
- 16-16-405. Acts 1905, No. 149, §§ 2, 3, p. 364; 1919, No. 220, § 1; A.S.A. 1947, § 22-615n.
- 16-16-406. Acts 1905, No. 149, § 6, p. 364; 1919, No. 220, § 2; A.S.A. 1947, § 22-615n.
- 16-16-407. Acts 1905, No. 149, § 7, p. 364; A.S.A. 1947, § 22-615n.
- 16-16-408. Acts 1905, No. 149, § 8, p. 364; A.S.A. 1947, § 22-615n.
- 16-16-409. Acts 1905, No. 149, § 5, p. 364; A.S.A. 1947, § 22-615n.
- 16-16-410. Acts 1905, No. 149, § 10, p. 364; A.S.A. 1947, § 22-615n.
- 16-16-411. Acts 1905, No. 149, §§ 14, 15, p. 364; A.S.A. 1947, § 22-615n.
- 16-16-412. Acts 1905, No. 149, § 11, p. 364; A.S.A. 1947, § 22-615n.
- 16-16-413. Acts 1905, No. 149, § 12; p. 364; A.S.A. 1947, § 22-615n.
- 16-16-414. Acts 1905, No. 149, § 13, p. 364; A.S.A. 1947, § 22-615n.
- 16-16-415. Acts 1905, No. 149, § 20, p. 364; 1963, No. 198, § 1; A.S.A. 1947, § 22-615n.
- 16-16-416. Acts 1905, No. 149, §§ 21, 22, p. 364; 1963, No. 198, § 2; A.S.A. 1947, § 22-615n.
- 16-16-417. Acts 1905, No. 149, §§ 19, 23, p. 364; A.S.A. 1947, § 22-615n.
- 16-16-418. Acts 1905, No. 149, § 24, p. 364; A.S.A. 1947, § 22-615n.
- 16-16-419. Acts 1905, No. 149, §§ 16-18, p. 364; A.S.A. 1947, § 22-615n.
- 16-16-501. Acts 1917, No. 311, § 1, p. 1622; A.S.A. 1947, § 22-615n.
- 16-16-502. Acts 1917, No. 311, § 2; p. 1622; A.S.A. 1947, § 22-615n.
- 16-16-503. Acts 1917, No. 311, § 3, p. 1622; A.S.A. 1947, § 22-615n.
- 16-16-504. Acts 1917, No. 311, § 9, p. 1622; A.S.A. 1947, § 22-615n.
- 16-16-505. Acts 1917, No. 311, § 8, p. 1622; A.S.A. 1947, § 22-615n.
- 16-16-506. Acts 1917, No. 311, § 6, p. 1622; A.S.A. 1947, § 22-615n.
- 16-16-507. Acts 1917, No. 311, § 11, p. 1622; A.S.A. 1947, § 22-615n.
- 16-16-508. Acts 1917, No. 311, §§ 6, 7, 18, 19, p. 1622; A.S.A. 1947, § 22-615n.
- 16-16-509. Acts 1917, No. 311, §§ 20, 21, p. 1622; A.S.A. 1947, § 22-615n.
- 16-16-510. Acts 1917, No. 311, §§ 16, 17, p. 1622; A.S.A. 1947, § 22-615n.
- 16-16-511. Acts 1917, No. 311, § 4, p. 1622; A.S.A. 1947, § 22-615n.
- 16-16-512. Acts 1917, No. 311, § 5, p. 1622; A.S.A. 1947, § 22-615n.
- 16-16-513. Acts 1917, No. 311, § 10, p. 1622; A.S.A. 1947, § 22-615n.
- 16-16-514. Acts 1917, No. 311, §§ 12-15, p. 1622; A.S.A. 1947, § 22-615n.
- 16-16-601. Acts 1931, No. 100, § 1; A.S.A. 1947, § 22-615n.
- 16-16-602. Acts 1931, No. 100, § 2; A.S.A. 1947, § 22-615n.
- 16-16-603. Acts 1931, No. 100, § 3; A.S.A. 1947, § 22-615n.
- 16-16-604. Acts 1931, No. 100, §§ 9, 10; A.S.A. 1947, § 22-615n.
- 16-16-605. Acts 1931, No. 100, § 8; A.S.A. 1947, § 22-615n.
- 16-16-606. Acts 1931, No. 100, § 6; A.S.A. 1947, § 22-615n.
- 16-16-607. Acts 1931, No. 100, § 12; A.S.A. 1947, § 22-615n.
- 16-16-608. Acts 1931, No. 100, § 17; A.S.A. 1947, § 22-615n.
- 16-16-609. Acts 1931, No. 100, §§ 6, 7, 18, 19; A.S.A. 1947, § 22-615n.
- 16-16-610. Acts 1931, No. 100, § 4; A.S.A. 1947, § 22-615n.

16-16-611. Acts 1931, No. 100, § 5; A.S.A. 1947, § 22-615n.

16-16-612. Acts 1931, No. 100, § 11; A.S.A. 1947, § 22-615n.

16-16-613. Acts 1931, No. 100, §§ 13-16; A.S.A. 1947, § 22-615n.

16-16-701. Acts 1875 (Adj. Sess.), No. 61, § 2, p. 123; A.S.A. 1947, § 22-615n.

16-16-702. Acts 1883, No. 134, § 1, p. 320; A.S.A. 1947, § 22-615n.

16-16-703. Acts 1883, No. 134, § 1, p. 320; 1885, No. 25, § 1, p. 29; A.S.A. 1947, § 22-615n.

16-16-704. Acts 1875 (Adj. Sess.), No. 61, § 3, p. 123; A.S.A. 1947, § 22-615n.

16-16-705. Acts 1875 (Adj. Sess.), No. 61, § 4, p. 123; 1883, No. 134, § 2, p. 320; A.S.A. 1947, § 22-615n.

16-16-706. Acts 1875 (Adj. Sess.), No. 61, § 13, p. 123; 1879, No. 12, § 1, p. 9; A.S.A. 1947, § 22-615n.

16-16-707. Acts 1883, No. 134, § 1, p. 320; A.S.A. 1947, § 22-615n.

16-16-708. Acts 1875 (Adj. Sess.), No. 61, § 12, p. 123; 1891, No. 103, § 1, p. 186; A.S.A. 1947, § 22-615n.

16-16-709. Acts 1875 (Adj. Sess.), No. 61, § 9, p. 123; A.S.A. 1947, § 22-615n.

16-16-710. Acts 1875 (Adj. Sess.), No. 61, § 16, p. 123; A.S.A. 1947, § 22-615n.

16-16-711. Acts 1975, No. 653, § 1; A.S.A. 1947, § 22-615n.

16-16-712. Acts 1875 (Adj. Sess.), No. 61, §§ 10, 11, 23-25, p. 123; A.S.A. 1947, § 22-615n.

16-16-713. Acts 1875 (Adj. Sess.), No. 61, § 4, p. 123; 1883, No. 134, § 2, p. 320; A.S.A. 1947, § 22-615n.

16-16-714. Acts 1875 (Adj. Sess.), No. 61, §§ 21, 22, p. 123; 1887, No. 83, § 1, p. 120; 1889, No. 112, § 1, p. 163; A.S.A. 1947, § 22-615n.

16-16-715. Acts 1875 (Adj. Sess.), No. 61, §§ 5-8, p. 123; 1883, No. 134, §§ 3, 4, p. 320; A.S.A. 1947, § 22-615n.

16-16-716. Acts 1875 (Adj. Sess.), No. 61, § 14, p. 123; 1883, No. 134, § 5, p. 320; A.S.A. 1947, § 22-615n.

16-16-717. Acts 1875 (Adj. Sess.), No. 61, § 15, p. 123; A.S.A. 1947, § 22-615n.

16-16-718. Acts 1875 (Adj. Sess.), No. 61, §§ 17-20, p. 123; A.S.A. 1947, § 22-615n.

16-16-719. Acts 1885, No. 133, §§ 1, 2, 3, 10, 12, 13, 15, 17, 19-21, p. 217; A.S.A. 1947, § 22-615n.

16-16-801. Acts 1889, No. 82, § 2, p. 109; A.S.A. 1947, § 22-615n.

16-16-802. Acts 1889, No. 82, § 1, p. 109; 1921, No. 217, § 1; A.S.A. 1947, § 22-615n.

16-16-803. Acts 1889, No. 82, § 3, p. 109; A.S.A. 1947, § 22-615n.

16-16-804. Acts 1889, No. 82, § 4, p. 109; A.S.A. 1947, § 22-615n.

16-16-805. Acts 1889, No. 82, § 11, p. 109; A.S.A. 1947, § 22-615n.

16-16-806. Acts 1889, No. 82, § 10, p. 109; A.S.A. 1947, § 22-615n.

16-16-807. Acts 1889, No. 82, § 9, p. 109; A.S.A. 1947, § 22-615n.

16-16-808. Acts 1889, No. 82, § 14, p. 109; A.S.A. 1947, § 22-615n.

16-16-809. Acts 1889, No. 82, §§ 9, 21, p. 109; A.S.A. 1947, § 22-615n.

16-16-810. Acts 1889, No. 82, § 20, p. 109; A.S.A. 1947, § 22-615n.

16-16-811. Acts 1889, No. 82, §§ 5-8, p. 109; A.S.A. 1947, § 22-615n.

16-16-812. Acts 1889, No. 82, § 12, p. 109; A.S.A. 1947, § 22-615n.

16-16-813. Acts 1889, No. 82, § 13, p. 109; A.S.A. 1947, § 22-615n.

16-16-814. Acts 1889, No. 82, §§ 15-19, p. 109; A.S.A. 1947, § 22-615n.

16-16-901. Acts 1917, No. 98, § 1, p. 461; A.S.A. 1947, § 22-615n.

16-16-902. Acts 1917, No. 98, § 5, p. 461; A.S.A. 1947, § 22-615n.

16-16-903. Acts 1917, No. 98, § 4, p. 461; A.S.A. 1947, § 22-615n.

16-16-904. Acts 1917, No. 98, § 9, p. 461; A.S.A. 1947, § 22-615n.

16-16-905. Acts 1917, No. 98, § 2, p. 461; A.S.A. 1947, § 22-615n.

16-16-906. Acts 1917, No. 98, § 3, p. 461; A.S.A. 1947, § 22-615n.

16-16-907. Acts 1917, No. 98, §§ 6, 7, p. 461; A.S.A. 1947, § 22-615n.

16-16-908. Acts 1917, No. 98, § 8, p. 461; A.S.A. 1947, § 22-615n.

16-16-909. Acts 1917, No. 98, § 5, p. 461; A.S.A. 1947, § 22-615n.

16-16-910. Acts 1917, No. 98, § 10, p. 461; A.S.A. 1947, § 22-615n.

16-16-911. Acts 1917, No. 98, §§ 14, 15, p. 461; A.S.A. 1947, § 22-615n.

16-16-912. Acts 1917, No. 98, § 11, p. 461; A.S.A. 1947, § 22-615n.

16-16-913. Acts 1917, No. 98, § 12, p. 461; A.S.A. 1947, § 22-615n.

16-16-914. Acts 1917, No. 98, § 13, p. 461; A.S.A. 1947, § 22-615n.

16-16-915. Acts 1917, No. 98, §§ 21-23, p. 461; A.S.A. 1947, § 22-615n.

- 16-16-916. Acts 1917, No. 98, §§ 19, 20, p. 461; A.S.A. 1947, § 22-615n.
- 16-16-917. Acts 1917, No. 98, § 24, p. 461; A.S.A. 1947, § 22-615n.
- 16-16-918. Acts 1917, No. 98, §§ 16-18, p. 461; A.S.A. 1947, § 22-615n.
- 16-16-1001. Acts 1917, No. 452, § 1, p. 2042; 1959, No. 125, § 2; A.S.A. 1947, § 22-615n.
- 16-16-1002. Acts 1917, No. 452, § 2, p. 2042; A.S.A. 1947, § 22-615n.
- 16-16-1003. Acts 1917, No. 452, § 3, p. 2042; A.S.A. 1947, § 22-615n.
- 16-16-1004. Acts 1917, No. 452, §§ 9, 10, p. 2042; A.S.A. 1947, § 22-615n.
- 16-16-1005. Acts 1917, No. 452, § 8, p. 2042; A.S.A. 1947, § 22-615n.
- 16-16-1006. Acts 1917, No. 452, § 6, p. 2042; A.S.A. 1947, § 22-615n.
- 16-16-1007. Acts 1917, No. 452, § 12, p. 2042; A.S.A. 1947, § 22-615n.
- 16-16-1008. Acts 1917, No. 452, §§ 6, 7, 19, 20, p. 2042; A.S.A. 1947, § 22-615n.
- 16-16-1009. Acts 1917, No. 452, §§ 17, 18, p. 2042; A.S.A. 1947, § 22-615n.
- 16-16-1010. Acts 1917, No. 452, § 4, p. 2042; A.S.A. 1947, § 22-615n.
- 16-16-1011. Acts 1917, No. 452, § 5, p. 2042; A.S.A. 1947, § 22-615n.
- 16-16-1012. Acts 1917, No. 452, § 11, p. 2042; A.S.A. 1947, § 22-615n.
- 16-16-1013. Acts 1917, No. 452, §§ 13-16, p. 2042; A.S.A. 1947, § 22-615n.
- 16-16-1101. Acts 1893, No. 110, § 1, p. 190; A.S.A. 1947, § 22-615n.
- 16-16-1102. Acts 1893, No. 110, § 2, p. 190; A.S.A. 1947, § 22-615n.
- 16-16-1103. Acts 1893, No. 110, § 3, p. 190; A.S.A. 1947, § 22-615n.
- 16-16-1104. Acts 1893, No. 110, § 9, p. 190; A.S.A. 1947, § 22-615n.
- 16-16-1105. Acts 1893, No. 110, § 8, p. 190; A.S.A. 1947, § 22-615n.
- 16-16-1106. Acts 1893, No. 110, § 6, p. 190; A.S.A. 1947, § 22-615n.
- 16-16-1107. Acts 1893, No. 110, § 11, p. 190; A.S.A. 1947, § 22-615n.
- 16-16-1108. Acts 1893, No. 110, §§ 6, 7, 18, p. 190; A.S.A. 1947, § 22-615n.
- 16-16-1109. Acts 1893, No. 110, § 3, p. 190; A.S.A. 1947, § 22-615n.
- 16-16-1110. Acts 1893, No. 110, § 17, p. 190; A.S.A. 1947, § 22-615n.
- 16-16-1111. Acts 1893, No. 110, § 4, p. 190; A.S.A. 1947, § 22-615n.
- 16-16-1112. Acts 1893, No. 110, § 5, p. 190; A.S.A. 1947, § 22-615n.
- 16-16-1113. Acts 1893, No. 110, § 10, p. 190; A.S.A. 1947, § 22-615n.
- 16-16-1114. Acts 1893, No. 110, § 13, p. 190; A.S.A. 1947, § 22-615n.
- 16-16-1115. Acts 1893, No. 110, §§ 12, 14-16, p. 190; A.S.A. 1947, § 22-615n.

CHAPTER 17

DISTRICT COURTS

SUBCHAPTER.

1. GENERAL PROVISIONS.
2. ESTABLISHMENT IN CITIES OF 2,400 OR MORE AND COUNTY SEAT TOWNS OF LESS THAN 2,400.
3. COUNTY SEAT DISTRICT COURT ACT.
4. ESTABLISHMENT IN CITIES OF FIRST AND SECOND CLASS AND INCORPORATED TOWNS.
5. ESTABLISHMENT IN CITIES OF LESS THAN 2,400 POPULATION.
6. SMALL CLAIMS PROCEDURE.
7. DISTRICT COURT CIVIL JURISDICTION ACT.
8. APPEALS.
9. JUDICIAL DISTRICTS — JUDGES FOR DISTRICT COURTS.
10. DISTRICT COURT RESOURCE ASSESSMENT.
11. PILOT STATE DISTRICT COURTS.
12. CITY COURT CONSOLIDATION.

RESEARCH REFERENCES

Am. Jur. 20 Am. Jur. 2d, Courts, § 30 and § 36 et seq.

Ark. L. Rev. Minimum Standards of Judicial Administration — Arkansas, 5

Ark. L. Rev. 1, 10.
Arkansas' Judiciary: Its History and
Structure, 18 Ark. L. Rev. 152.

A New Judicial System for Arkansas, 24
Ark. L. Rev. 221.
C.J.S. 21 C.J.S., Courts, § 102.

SUBCHAPTER 1 — GENERAL PROVISIONS

- SECTION.
16-17-101. [Repealed.]
16-17-102. Exchange of jurisdictions by
district court judges.
16-17-103. Residency requirement of
judges.
16-17-104. Law license requirement for
district judges.
16-17-105. [Repealed.]
16-17-106. Deputy court clerks generally.
16-17-107. [Repealed.]
16-17-108. Salaries of personnel and
other requirements of
various district courts.
16-17-109 — 16-17-113. [Repealed.]
16-17-114. Restriction on receipt of fees
and costs by constables in
certain localities.
16-17-115. County's portion of district
court expenses — Approp-
riation. [Effective until
January 1, 2012.]
16-17-115. County's, town's, and city's
portion of district court ex-
penses — Appropriation.
[Effective January 1,
2012.]
16-17-116. [Repealed.]
16-17-117. [Repealed.]
16-17-118. Power to postpone or suspend
sentence in misdemeanor
cases.
16-17-119. Counties with populations
over 250,000 — Collection
of Fees. [Effective until
January 1, 2012.]
16-17-119. Counties with populations
over 250,000 — District
court expenses. [Effective
January 1, 2012.]

- SECTION.
16-17-120. [Repealed.]
16-17-121. Salary increases — Factors to
consider.
16-17-122. [Repealed.]
16-17-123. [Repealed.]
16-17-124. Fee for appeal transcript —
Disposition.
16-17-125. Pretrial release alternative
administration fee.
16-17-126. Fee for filing and issuing writs
of garnishment and execu-
tions — Disposition.
16-17-127. Contractors providing certain
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16-17-128. [Repealed.]
16-17-129. Levy to defray cost of incarcer-
ating city and county pris-
oners.
16-17-130. Single district judge to be
elected countywide.
16-17-131. Suspension of license for fail-
ure to appear.
16-17-132. District court generally.
16-17-133. Limitation of the incarceration
of juvenile defendants
in district courts.
16-17-134. Change of venue from lower
courts in certain counties
to municipal court.
16-17-135. Counties authorized to em-
ploy and compensate dis-
trict court judges as crimi-
nal magistrates.
16-17-136. Waiver of appearance and en-
try of plea to traffic viola-
tions in district court and
city court.

A.C.R.C. Notes. Section 19 of Amend-
ment 80 to the Arkansas Constitution
provided that all municipal courts were to
become district courts on January 1, 2005,
and that they should assume the jurisdic-

tion previously vested in municipal
courts, police courts, justice of the peace
courts, and courts of common pleas. Those
courts were abolished by the amendment.
City courts were to continue, but if abol-

ished by the governing body of the city or by the General Assembly, the jurisdiction of the city court would then vest in the nearest district court.

Cross References. Allocation of portion of fines to Youth Accident Prevention Program, § 14-20-116.

Effective Dates. Acts 1941, No. 80, § 5: approved Feb. 20, 1941. Emergency clause provided: "It has been ascertained, and it is hereby declared, that all cities subject to the provisions of this act maintain and support competent city police forces, and that the counties in which the cities and townships affected by this act are located maintain their sheriffs and deputies on a salary and not on a fee basis; that in certain cities and townships subject to the provisions of this act, abuses exist which are inherent in the fee system of compensating constables in criminal cases; that great injury is being suffered, and will continue to be suffered, by the citizens and students of the cities and townships affected by this act; that on account of such abuses, it is necessary for the immediate preservation of the public peace, health and safety that this act take effect at once, and an emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage."

Acts 1941, No. 118, § 4: approved Mar. 6, 1941. Emergency clause provided: "This act being necessary for the preservation of the public peace, welfare and safety, an emergency is hereby declared and the same shall be in force and effect from and after its passage."

Acts 1951, No. 275, § 4: Mar. 19, 1951. Emergency clause provided: "It is the finding of the General Assembly that some scientific means of determination of the fact and degree of intoxication is necessary to the administration of justice in cases where drunkenness is an element of the offense, and that such cases have increased appreciably in the recent past, and this act being necessary to the administration of justice, an emergency is hereby declared to exist, and this act shall be in effect immediately upon its passage and approval."

Acts 1961, No. 67, § 5: Feb. 9, 1961. Emergency clause provided: "The General Assembly of the State of Arkansas hereby finds and declares that the matters affected by this Act have a direct relation to

the administration of justice and the preservation of order in the areas affected, and that therefore, an emergency is hereby found and declared to exist, and this Act being necessary for the immediate preservation of the public peace, health and safety, shall take effect and be in full force from and after the date of its passage and approval."

Acts 1961, No. 121, § 4: approved Feb. 22, 1961. Emergency clause provided: "Whereas, there is conflict as to whether municipal court clerks have the authority to issue warrants, and many judges have the duty of issuing warrants, and to do so they must in advance listen to the testimony and statements of complainants, in order to prepare a proper affidavit and warrant, which process is detrimental to fair, impartial, and unprejudicial justice, and such complaints should be made to the prosecuting attorney or city attorney, it is found that this Act is in the furtherance of the administration of justice, and is necessary for the immediate preservation of the public peace, welfare, and safety, and an emergency is hereby declared and this Act shall be in force and effect from and after its passage."

Acts 1961, No. 159, § 5: Mar. 3, 1961. Emergency clause provided: "The general assembly of the state of Arkansas hereby finds and declares that the matters affected by this Act have a direct relation to the administration of justice and the preservation of order in the areas affected, and that therefore, an emergency is hereby found and declared to exist, and this Act being necessary for the immediate preservation of the public peace, health and safety, shall take effect and be in full force from and after the date of its passage and approval."

Acts 1971, No. 102, § 4: Feb. 16, 1971. Emergency clause provided: "It is hereby found and determined by the General Assembly that there are certain established municipal courts in this State in which there is periodically a vacancy in the position of municipal judge by virtue of the fact that there is no attorney in the area qualified to serve as judge of such court or because no qualified attorney in the area desires to run for and be elected to the office of judge of such court; that it is essential to the administration of justice in the areas where such courts are located that a judge be provided for the court; that

it is in the best interest of justice and the municipality involved that the governing body of the municipality be authorized to employ any attorney within the county or the judge of another municipal court in the county to serve as judge of such court and to pay the person so employed such salary or remuneration as is provided by law or may be contracted for by the governing body of the employing municipality, and that this Act will accomplish this purpose and should be given effect immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1971, No. 157, § 3: Feb. 26, 1971. Emergency clause provided: "It is hereby found and determined by the General Assembly that there is presently no specific authority for the judges of municipal courts in this State to appoint deputy municipal court clerks; that it is essential to the proper and efficient administration of justice in the municipal courts in this State that the judge be given this authority, subject to approval of the governing body of such city and that this Act should be given immediate effect in order to provide such authority. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1973, No. 40, § 3: Jan. 31, 1973. Emergency clause provided: "It is hereby found and determined by the General Assembly that there are certain established municipal courts in this State in which there is a vacancy in the office of municipal judge by reason of the fact that there is no qualified attorney residing in the county or by reason of the failure of any qualified attorney in the county to be elected to such office; that it is essential to the administration of justice in the areas where such courts are located that a qualified person be selected to serve as judge of such courts; that this Act is designed to permit the appointment or employment of a qualified person residing in an adjoining county to serve as judge in such municipal court and should be given effect immediately in order to further the administration of justice in such areas. Therefore, an

emergency is hereby declared to exist, and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1975 (Extended Sess., 1976), No. 1085, § 6: Jan. 30, 1976. Emergency clause provided: "It is hereby found and determined by the General Assembly that the cost of law enforcement resulting from the necessity of having several municipal courts in a single county may in some cases become prohibitive; that it is in the best interest of the proper efficient and effective administration of justice in the various counties that two or more municipalities be authorized to enter into agreements whereby a single person would serve a judge of the municipal court of each of the agreeing municipalities; that it is in the best interest of the citizens of those counties affected that the agreeing municipalities and the county be permitted to enter into agreements regarding the compensation and place of holding municipal court for the various agreeing municipalities; that this Act is designed to accomplish this purpose and should be given effect immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1979, No. 801, § 4: Apr. 10, 1979. Emergency clause provided: "It is hereby found and determined by the General Assembly that funds derived from fines, penalties and costs collected in municipal courts subject to the provisions of Act 87 of 1915 and Act 60 of 1927 in counties of over 250,000 persons have traditionally been used to finance the municipal courts and for other municipal purposes; that it would create a serious financial hardship on such municipalities if they were required to remit a portion of the funds so collected to the county in which they are located; that there is some confusion regarding the present state of law relating to this matter and that this Act is designed to clarify this situation and should be given effect immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1983, No. 144, § 3: became law without Governor's signature, Feb. 9, 1983. Emergency clause provided: "It is hereby found and determined by the General Assembly that the salary of the municipal judge of the Pulaski County Municipal Court is inadequate and that this Act is immediately necessary to provide more equitable compensation for such municipal court judge. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1983, No. 621, § 4: emergency failed to pass. Emergency clause provided: "It is hereby found and determined by the 74th General Assembly that the Judicial Retirement System does not have adequate funding, and that the funds heretofore appropriated by the General Assembly have not been sufficient to adequately fund the Judicial Retirement System; that such Judicial Retirement System is in need of sound funding so as to put it upon a sound actuarial basis; and that the money must be available immediately to provide funds for this purpose. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health, and safety shall be in full force and effect from and after the day of its passage and approval."

Acts 1983, No. 759, § 3: Mar. 24, 1983. Emergency clause provided: "It is hereby found and determined by the General Assembly that the pressures on the municipal courts are such that the municipal court judges should be allowed to appoint magistrates to make the administration of justice more efficient and effective. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1983, No. 918, § 16: Mar. 30, 1983. Emergency clause provided: "It is hereby found and determined by the Seventy-Fourth General Assembly that the act of driving a motor vehicle while under the influence of intoxicating alcoholic beverages or drugs constitutes a serious and immediate threat to the safety of all citizens of this State, and that increasing the

penalty for this dangerous conduct may serve as a deterrent to such behavior. Further, it is found that increased income derived from the levying of such penalties can best be utilized to provide immediate alcohol and drug safety and rehabilitation and treatment programs both to prevent an increase in the use of intoxicating alcoholic beverages and drugs and to rehabilitate persons convicted of related offenses. Therefore, an emergency is hereby declared to exist, and this Act being necessary for the immediate preservation of the public peace, health, and safety shall be in full force and effect from and after the date of its passage and approval."

Acts 1985, No. 246, § 3: Mar. 4, 1985. Emergency clause provided: "It is hereby found and determined by the General Assembly that municipalities having city or police courts now have no specific authority to levy court costs for the criminal justice fund; that it is essential to the effective and efficient administration of justice that such cities be granted such authority as soon as possible and that this Act should be given effect immediately to grant such authority. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1985, No. 955, §§ 3, 4: retroactive to Jan. 1, 1985, except as otherwise provided in Section 1. Emergency clause provided: "It is hereby found and determined by the General Assembly that the salaries currently prescribed by law for judges of the various municipal courts in the State are inadequate to compensate the judges of such courts for their services; that the effective and efficient operation of the municipal courts in the State are essential to the administration of justice and that this Act is necessary to assure the effective and efficient operation of such courts and should be given effect immediately. Therefore, an emergency is hereby declared to exist, and this Act being immediately necessary for the preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval."

Acts 1985 (1st Ex. Sess.), No. 6, § 5: retroactive to Jan. 1, 1985. Emergency clause provided: "It is hereby found and determined by the General Assembly that

the compensation currently provided for the grand jury stenographer of the First Judicial Circuit and for the municipal judge of the city of Rogers is inadequate to compensate said officials for their services; that it is essential to the effective and efficient administration of justice in the First Judicial Circuit and in the Rogers Municipal Court that such officers be adequately compensated for their services; and that this Act is designed to accomplish this essential purpose and should be given effect immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1987, No. 139, § 2: July 1, 1987. Emergency clause provided: "It is hereby found and determined by the Seventy-Sixth General Assembly that the present method of remitting the additional court costs by the collecting officers directly to the State Treasurer for the benefit of the Judicial Retirement System does not provide adequate internal accounting controls; and that by remitting such additional court costs to the Arkansas Public Employees Retirement System will provide the necessary mechanism in order to enhance the internal accounting control procedures of the State. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1987."

Acts 1987, No. 431, § 10: July 1, 1987. Emergency clause provided: "It is hereby found and determined by the General Assembly that Amendment 64 has an effective date of July 1, 1987, that the smooth implementation of the Amendment requires that this law be enacted; that should the General Assembly extend the session beyond the sixtieth day, there exists a danger that this law would not be in effect on July 1, 1987; therefore, this shall be effective July 1, 1987."

Acts 1987, No. 871, § 6: Apr. 13, 1987. Emergency clause provided: "It is hereby found and determined by the General Assembly that because of the case *Ricarte v. State*, CR 86-31, a question has arisen over the validity of Act 1085 of the Extended Session of 1976; that this Act is a reenactment of the former law; and that

the immediate passage of this Act is necessary to clarify the state of the law on this issue. Therefore, an emergency is hereby declared to exist, and this Act being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval."

Acts 1987, No. 1031, § 5: Apr. 14, 1987. Emergency clause provided: "It is hereby found and determined by the General Assembly that the salaries currently prescribed by law for judges of the various municipal courts in the State are inadequate to compensate the judges of such courts for their services; that the effective and efficient operation of the municipal courts in the State are essential to the administration of justice and that this Act is necessary to assure the effective and efficient operation of such courts and should be given effect immediately. Therefore, an emergency is hereby declared to exist, and this Act being immediately necessary for the preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval."

Acts 1987 (1st Ex. Sess.), No. 49, § 4: June 26, 1987. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that because of unclear language regarding the application of the additional court cost some jurisdictions have not levied the cost and that currently only cities may receive funds generated by this additional court cost, which impairs the adequate financing of municipal court operations by county governments, and it is thereby necessary to clarify the application of this court cost and to provide cities and counties the option to change the proportion of funds received by various jurisdictions in order to provide for the efficient and effective administration of justice in each county. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1989, No. 425, § 5: approved Mar. 9, 1989. Emergency clause provided: "It is hereby found and determined by the General Assembly that the preservation of justice requires that certain salaries be affixed by law; that it is necessary for the

continuation of administration of justice that this act take effect immediately. Therefore, this act being necessary for the preservation of the public health, welfare, and safety shall become effective immediately upon passage."

Acts 1989, No. 443, § 7: Mar. 9, 1989. Emergency clause provided: "It is hereby found and determined by the General Assembly that the preservation of justice requires that certain salaries be affixed by law; that it is necessary for the continuation of administration of justice that this act take effect immediately. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1989, No. 706, § 7: Mar. 20, 1989. Emergency clause provided: "It is hereby found and determined by the General Assembly that the preservation of justice requires that certain salaries be affixed by law; that it is necessary for the continuation of administration of justice that this act take effect immediately. Therefore, this act being necessary for the preservation of the public health, welfare, and safety shall become effective immediately upon passage."

Acts 1989, No. 873, § 6: Mar. 22, 1989. Emergency clause provided: "It is hereby found and determined by the Seventy-Seventh General Assembly of the State of Arkansas that the salaries currently prescribed by law for judges of the various municipal courts in the State are inadequate to compensate the judges of such courts for their services; that the effective and efficient operation of the municipal courts in the State are essential to the administration of justice and that this act is necessary to assure the effective and efficient operations of such courts and should be given effect immediately. Therefore, an emergency is hereby declared to exist, and this act being immediately necessary for the preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval."

Acts 1991, No. 35, § 5: Jan. 1, 1991. Emergency clause provided: "It is hereby found and determined by the General Assembly that the maximum salary for the DeQueen Municipal Court clerk is inadequate; that this Act eliminates the cap on

that salary; and that until this Act goes into effect the city and county will be restricted by the inadequate limitation. Therefore, an emergency is hereby declared to exist and this Act immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after January 1, 1991."

Acts 1991, No. 904, § 28: Mar. 29, 1991. Emergency clause provided: "It is hereby found and determined by the General Assembly that the language of certain court cost statutes lacks uniformity; that such lack of uniformity is detrimental to the proper collection of such court costs; and that such language should be standardized to promote the proper collection of such costs. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1991, No. 982, § 5: Apr. 8, 1991. Emergency clause provided: "It is hereby found and determined by the General Assembly that the salaries currently prescribed by law for judges of the various municipal courts in the State are inadequate to compensate the judges of such courts for their services; that the effective and efficient operation of the municipal courts in the State are essential to the administration of justice and that this act is necessary to assure the effective and efficient operation of such courts and should be given effect immediately. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1991, No. 1234, § 5: Apr. 10, 1991. Emergency clause provided: "It is hereby found and determined by the Seventy-Eighth General Assembly of the State of Arkansas that an alternative to bail is desirable and necessary for pretrial detainees and that the alternative to bail would aid the administration of justice. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from the after its passage and approval."

Acts 1992 (1st Ex. Sess.), No. 3, § 5: Feb. 27, 1992. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that Act 982 of 1991 inadvertently failed to set a salary range for the municipal court judge and clerk of the Fordyce municipal court, but rather set a specified salary which is not reflective of the salary the judge and clerk are currently paid and is not reflective of the salary approved by the Fordyce City Council and the Dallas County Quorum Court. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval."

Acts 1992 (1st Ex. Sess.), No. 6, § 5: Feb. 27, 1992. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that the maximum salary of the Lonoke Municipal Court Judge is inadequate and that until this act goes into effect, the city and county will be restricted by the inadequate limitation. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval."

Acts 1992 (1st Ex. Sess.), No. 33, § 7: Mar. 10, 1992. Emergency clause provided: "It is hereby found and determined by the General Assembly that the maximum annual salary for the Marianna municipal court judge is inadequate and should be increased as soon as possible and that this act will accomplish the same. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1994 (2nd Ex. Sess.), No. 29, § 8: Aug. 23, 1994. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that the caseload of the Seventeenth Judicial District (West) necessitates the appointment of an additional circuit-chancery judge immediately; that the salary cap for the Waldron Municipal Court Clerk must be raised in order to

retain efficient court personnel and that this act so provides and should therefore be given effect immediately. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval."

Acts 1995, No. 1032, § 13: July 1, 1995. Emergency clause provided: "It is hereby found and determined by the Eightieth General Assembly, that in order for the Department of Health to become more efficient in accounting and budgetary practices due to the transfer of the Bureau of Alcohol and Drug Abuse Prevention, changes in various funds are needed; and that the provisions of this Act provide such changes. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1995."

Acts 1995 (1st Ex. Sess.), No. 13, § 13: Oct. 23, 1995. Emergency clause provided: "It is hereby found and determined by the General Assembly of the State of Arkansas that the current system of funding the state judicial system has created inequity in the level of judicial services available to the citizens of the state; and it is further determined that the current method of financing the state judicial system has become so complex as to make the administration of the system impossible, and the lack of reliable data on the current costs of the state judicial system prohibits any comprehensive change in the funding of the system at this time. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval."

Acts 1997, No. 424, § 5: Mar. 10, 1997. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the caseload, and thusly, the workload of the Magnolia Municipal Court has increased and the salary cap for the Magnolia Municipal Court Clerk and Deputy Clerk must be raised in order to retain efficient court personnel, and this act so provides and should therefore be given immediate effect. Therefore an emergency is declared to exist and this act being immediately

necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

Acts 2001, No. 1243, § 2: Apr. 2, 2001. Emergency clause provided: "It is found and determined by the General Assembly that there is a substantial risk of continued failures to appear by persons served with notice to appear in municipal courts, thus weakening enforcement of the traffic and criminal laws of Arkansas and endangering travelers on Arkansas' highways. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto."

Acts 2001, No. 1693, § 3: July 1, 2001. Emergency clause provided: "It is found and determined by the General Assembly that with the approval by the voters of Arkansas of Amendment 80 of the Arkansas Constitution, the effectiveness of this act on July 1, 2001 is essential to the operation of the state court system, and that in the event of an extension of the Regular Session, the delay in the effective date of this act beyond July 1, 2001 could work irreparable harm upon the proper administration and provision of essential governmental progress. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective from and after July 1, 2001."

Acts 2003, No. 1188, § 2: Apr. 9, 2003. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that for over six (6) months the Arkansas Department of

Correction has failed to pay county governments millions of dollars for state prisoners backlogged into the county jails; that counties are in desperate need of additional revenues to maintain criminal detention facilities; that without additional revenues, the county criminal detention facilities will begin to release dangerous prisoners from custody and threaten the public safety; and that unless this act goes into effect immediately those additional revenues will not be available to the county governments. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2005, No. 1373, § 2: Mar. 29, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that questions have arisen regarding the interpretation of Act 1188 of 2003; that the fiscal burdens of incarcerating prisoners in city and county jails are increasing; and that this act is immediately necessary in order to provide financial relief to defray the cost of city and county prisoners. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2007, No. 177, § 15: July 1, 2007. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this bill affects the structure of the Arkansas District Judge Retirement System and the Arkansas Public Employees' Retirement System and the ideal time to make revisions to the retirement systems is at the beginning of the state's fiscal year. Therefore, an emergency is declared to exist and this act being necessary for the preserva-

tion of public peace, health, and safety shall become effective on July 1, 2007.

Acts 2007, No. 663, § 56: Jan. 1, 2012.

Acts 2009, No. 209, § 3: July 1, 2009. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the increasing costs of incarcerating or otherwise keeping prisoners in county jails creates an economic hardship; that maximum

finances allowed by statute for convicted persons are too low; and that this act is immediately necessary because county jails are overcrowded. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2009."

16-17-101. [Repealed.]

Publisher's Notes. This section, concerning agreements by municipalities to be served by a single judge, was repealed by Acts 2003, No. 1185, § 102, effective

January 1, 2005. The section was derived from Acts 1975 (Extended Sess. 1976), No. 1085, §§ 1-4; A.S.A. 1947, §§ 22-703.1 — 22-703.4; reen. Acts 1987, No. 871, §§ 1-4.

16-17-102. Exchange of jurisdictions by district court judges.

(a) District judges may temporarily exchange districts by joint order entered of record in their respective courts. They may hold court for each other for such length of time as may seem practicable and for the best interest of their respective courts.

(b) District judges exchanging jurisdictional authority or districts shall have the same power or authority, holding courts for each other, as the district judge for the district in which the court or courts shall be held.

(c) No city or county shall be held liable for nor shall incur any expense whatsoever for any special pay or travel costs arising out of any exchange of judicial districts between district judges.

History. Acts 1961, No. 88, §§ 1-3; A.S.A. 1947, §§ 22-748 — 22-750; Acts 2003, No. 1185, § 103.

Effective Dates. Acts 2003, No. 1185, § 103: Jan. 1, 2005, by its own terms.

16-17-103. Residency requirement of judges.

The judge of a district court shall be a qualified elector within the geographical area from which he or she is chosen.

History. Acts 1963, No. 21, § 1; A.S.A. 1947, § 22-704.3; Acts 2003, No. 1185, § 104.

Effective Dates. Acts 2003, No. 1185, § 104: Jan. 1, 2005, by its own terms.

16-17-104. Law license requirement for district judges.

District judges shall have been licensed attorneys of this state for at least four (4) years immediately preceding the date of assuming office.

History. Acts 1963, No. 538, § 1; 1967, No. 151, § 1; 1969, No. 51, § 1; 1981, No.

640, § 1; A.S.A. 1947, § 22-704.4; Acts 2003, No. 1185, § 105.

Effective Dates. Acts 2003, No. 1185, § 105: Jan. 1, 2005, by its own terms.

CASE NOTES

Cited: *Lawson v. City of Mammoth Spring ex rel. Smith*, 287 Ark. 12, 696 S.W.2d 712 (1985).

16-17-105. [Repealed.]

Publisher's Notes. This section, concerning the vacancy or inability of a judge to serve in the municipal courts, was repealed by Acts 2003, No. 1185, § 106 ef-

fective January 1, 2005. The section was derived from Acts 1971, No. 102, § 1; 1973, No. 40, § 1; A.S.A. 1947, §§ 22-705.1, 22-705.2.

16-17-106. Deputy court clerks generally.

(a) The judge of the district court of any city in this state may, with the approval of the governing body of the city, appoint one (1) or more deputy clerks to serve under the supervision of the district court clerk.

(b) The salary of the deputy clerk or clerks may be less than, but not more than, the salary paid to the district court clerk. The salary designated for the office of district court clerk may be apportioned by the city council between and among the district court clerks and any or all of the deputies.

(c) Deputy district court clerks are empowered to perform all duties and exercise all powers granted to the district court clerk and shall post bond in the same manner and amount as required of the district court clerk.

History. Acts 1971, No. 157, § 1; A.S.A. 1947, § 22-713.1.

16-17-107. [Repealed.]

Publisher's Notes. This section, concerning municipal court magistrates, was repealed by Acts 2003, No. 1185, § 107.

The section was derived from Acts 1983, No. 759, §§ 1, 2; A.S.A. 1947, §§ 22-766, 22-766.1; Acts 1987, No. 979, § 1.

16-17-108. Salaries of personnel and other requirements of various district courts.

(a) Unless otherwise provided by law, the salaries of the judges and other personnel of the various district courts shall be established as follows:

(1) The Arkansas County District Court — Northern District Judge shall receive an annual salary of not less than thirty-five thousand dollars (\$35,000) nor more than fifty thousand dollars (\$50,000), the district court clerk shall receive an annual salary of not less than thirteen thousand eight hundred thirty-four dollars and ninety-two cents (\$13,834.92) nor more than thirty-four thousand dollars

(\$34,000), and the deputy court clerk shall receive an annual salary of not less than eleven thousand four hundred seventy-five dollars (\$11,475) nor more than twenty-eight thousand dollars (\$28,000). The salaries shall be as determined by the governing body of the City of Stuttgart and the Arkansas County Quorum Court and paid one-half ($\frac{1}{2}$) by the city and one-half ($\frac{1}{2}$) by the county;

(2) The Arkansas County District Court — Southern District Judge shall receive an annual salary of not less than thirteen thousand dollars (\$13,000) nor more than twenty-three thousand dollars (\$23,000), the district court clerk shall receive an annual salary of not less than twelve thousand five hundred dollars (\$12,500) nor more than twenty-two thousand five hundred dollars (\$22,500), and the deputy clerk shall receive an annual salary of not less than ten thousand five hundred dollars (\$10,500) nor more than twenty thousand five hundred dollars (\$20,500). The salaries shall be determined by the governing body of the City of DeWitt and the Arkansas County Quorum Court and paid equally by the city and the county;

(3) The Ashley County District Court — Crossett Department Judge shall receive an annual salary of not less than twenty thousand dollars (\$20,000) nor more than thirty-eight thousand dollars (\$38,000), and the district court clerk shall receive an annual salary of not less than fifteen thousand dollars (\$15,000) nor more than twenty-five thousand dollars (\$25,000). The salaries shall be in an amount within the range prescribed in this subdivision (a)(3), as agreed upon by the Ashley County Quorum Court and the governing body of the City of Crossett;

(4) The Ashley County District Court — Hamburg Department Judge shall receive an annual salary of not less than twenty thousand dollars (\$20,000) nor more than thirty-eight thousand dollars (\$38,000), and the district court clerk shall receive an annual salary of not less than fifteen thousand dollars (\$15,000) nor more than twenty-five thousand dollars (\$25,000). The salaries shall be in an amount within the range prescribed in this subdivision (a)(4), as agreed upon by the Ashley County Quorum Court and the governing body of the City of Hamburg;

(5) The Baxter County District Court Clerk shall receive compensation in an amount as may be provided by the City of Mountain Home and the Baxter County Quorum Court. The salary shall be paid one-half ($\frac{1}{2}$) by the City of Mountain Home and one-half ($\frac{1}{2}$) by Baxter County;

(6) The Bradley County District Court Judge shall receive an annual salary of not less than twelve thousand dollars (\$12,000) nor more than twenty-four thousand dollars (\$24,000), as established by the Bradley County Quorum Court and approved by the governing body of the City of Warren;

(7)(A) The Calhoun County District Court Judge shall receive an annual salary of not less than fifteen thousand dollars (\$15,000) nor more than thirty thousand dollars (\$30,000), and the clerk of the court shall receive an annual salary of not less than twelve thousand dollars (\$12,000), nor more than twenty-four thousand dollars

(\$24,000), as may be determined by the Hampton City Council and the Calhoun County Quorum Court.

(B) The salaries shall be paid by the City of Hampton and Calhoun County in equal monthly installments;

(8) The Camden District Court Judge shall receive an annual salary of not less than thirty thousand dollars (\$30,000) nor more than fifty thousand dollars (\$50,000) to be paid by the City of Camden and Ouachita County;

(9) The Carroll County District Court — Eastern District Judge shall receive an annual salary of not less than sixteen thousand dollars (\$16,000) nor more than twenty-four thousand dollars (\$24,000);

(10) The Carroll County District Court — Western District Judge shall receive an annual salary of not less than sixteen thousand dollars (\$16,000) nor more than twenty-four thousand dollars (\$24,000);

(11)(A) The Chicot County District Court — Dermott Department Judge shall receive an annual salary of not less than eighteen thousand dollars (\$18,000) nor more than twenty-six thousand dollars (\$26,000).

(B)(i) The court clerk shall receive an annual salary of not less than fourteen thousand dollars (\$14,000) nor more than twenty thousand dollars (\$20,000).

(ii) However, the court clerk's position shall be a full-time or part-time position.

(C) The salaries shall be in an amount within the range prescribed in this subdivision (a)(11) as agreed upon by the Chicot County Quorum Court and the governing body of the City of Dermott.

(D) The salary of the district court judge and the salary of the district court clerk shall be paid as follows:

(i) Fifty percent (50%) to be paid by the City of Dermott; and

(ii) Fifty percent (50%) to be paid by Chicot County;

(12)(A) The Chicot County District Court — Eudora Department Judge shall receive an annual salary of not less than eighteen thousand dollars (\$18,000) nor more than twenty-six thousand dollars (\$26,000), and the district court clerk shall receive an annual salary of not less than fourteen thousand dollars (\$14,000) nor more than twenty thousand dollars (\$20,000).

(B) The salaries shall be in an amount within the range prescribed in subdivision (a)(12)(A) of this section as agreed upon by the Chicot County Quorum Court and the governing body of the City of Eudora.

(C) The salary of the judge and the salary of the clerk shall be paid as follows:

(i) Fifty percent (50%) to be paid by the City of Eudora; and

(ii) Fifty percent (50%) to be paid by Chicot County;

(13)(A) The Chicot County District Court — Lake Village Department Judge shall receive an annual salary of not less than eighteen thousand dollars (\$18,000) nor more than twenty-six thousand dollars (\$26,000), and the court clerk shall receive an annual salary of not less than fourteen thousand dollars (\$14,000) nor more than

twenty thousand dollars (\$20,000). If authorized by the governing body of the City of Lake Village and the Chicot County Quorum Court, the judge shall be authorized to employ a full-time or part-time deputy court clerk at an annual salary of not less than five thousand dollars (\$5,000) nor more than twelve thousand dollars (\$12,000). The salaries shall be in an amount within the range prescribed in this subdivision (a)(13)(A), as agreed upon by the Chicot County Quorum Court and the governing body of the City of Lake Village.

(B) The salary of the judge and the salary of the clerk shall be paid as follows:

- (i) Fifty percent (50%) to be paid by the City of Lake Village; and
- (ii) Fifty percent (50%) to be paid by Chicot County;

(14) The Clark County District Court Judge shall receive an annual salary of not less than fifty-three thousand five hundred dollars (\$53,500) nor more than sixty-five thousand dollars (\$65,000), and the Clark County District Court Clerk shall receive an annual salary of not less than twenty-eight thousand dollars (\$28,000) nor more than thirty-eight thousand dollars (\$38,000), such salaries to be established annually by the Clark County Quorum Court. Upon approval by the Clark County Quorum Court, the Clark County District Court Judge may appoint one (1) deputy district court clerk to receive a salary as established by the Clark County Quorum Court;

(15)(A) The Clay County District Court Judge shall receive an annual salary of not less than seventeen thousand dollars (\$17,000) nor more than fifty thousand dollars (\$50,000), to be paid, as well as other current benefits, in equal monthly installments by Clay County.

(B) Fifty percent (50%) of the amount shall be reimbursed by the City of Corning, the City of Piggott, and the City of Rector at eighteen and one-half percent (18.5%), eighteen and one-half percent (18.5%), and thirteen percent (13%), respectively, to the county treasury.

(C) The clerks of the respective district courts shall receive an annual salary of not less than four thousand five hundred dollars (\$4,500) nor more than eighteen thousand dollars (\$18,000), to be paid, as well as other current benefits, in equal monthly installments by Clark County.

(D) Fifty percent (50%) of the amount shall be reimbursed by the respective cities;

(16) The Cleveland County District Court Judge shall receive an annual salary of not less than nineteen thousand dollars (\$19,000) nor more than thirty thousand dollars (\$30,000), and the district court clerk shall receive an annual salary of not less than twelve thousand dollars (\$12,000) nor more than twenty-four thousand dollars (\$24,000), as may be determined by the Rison City Council and the Cleveland County Quorum Court;

(17) The Columbia County District Court Judge shall receive an annual salary of not less than twenty-four thousand dollars (\$24,000) nor more than forty thousand dollars (\$40,000). Any salaries paid over

the minimum salaries set in this subdivision (a)(17) shall be paid only upon the approval of the governing bodies of the City of Magnolia and Columbia County;

(18) The Conway County District Court Judge shall receive an annual salary of not less than thirty-two thousand five hundred dollars (\$32,500) nor more than thirty-eight thousand five hundred dollars (\$38,500). However, the salary may be increased by such an amount as may be agreed to by the Conway County Quorum Court and the governing body of the City of Morrilton by ordinances adopted by their respective bodies;

(19)(A) The Craighead County District Court Judge shall be a full-time district judge and shall receive as compensation for services an annual salary of not less than one hundred thousand dollars (\$100,000) nor more than one hundred fifteen thousand dollars (\$115,000), as determined by the Craighead County Quorum Court and the governing body of the City of Jonesboro, to be paid in equal monthly installments. The amount of the salary shall be appropriated by ordinance adopted by the Craighead County Quorum Court. The amount of the salary and necessary expenses appropriated for the court shall be apportioned among and paid to the county from the respective cities of the first class and cities of the second class, incorporated towns, and the government of Craighead County as a prorated amount based on the number of cases filed from each of the towns and cities and the county during the preceding calendar year. Apportionment of the costs of the court shall be by order of the district court upon certification of the cases filed by the Clerk of the Craighead County District Court.

(B) The Craighead County District Court Judge shall maintain dockets and hold court, as deemed necessary, in each of the county seats of Craighead County and may establish dockets and hold court in other cities and towns in Craighead County, as deemed necessary by ordinance adopted by the Craighead County Quorum Court;

(20) The Crawford County District Court Judge shall receive an annual salary of not less than eighty-two thousand dollars (\$82,000) nor more than one hundred fifteen thousand dollars (\$115,000);

(21) The Cross County District Court Judge shall receive an annual salary of not less than thirty-three thousand dollars (\$33,000) nor more than forty-four thousand dollars (\$44,000). This salary and the salaries of all court employees shall be as determined by the governing body of the City of Wynne;

(22) The Dallas County District Court Judge shall receive an annual salary of not less than fifteen thousand dollars (\$15,000) nor more than thirty thousand dollars (\$30,000), and each clerk of the court shall receive an annual salary of not less than fifteen thousand dollars (\$15,000) nor more than twenty-five thousand dollars (\$25,000), as may be determined by the Fordyce City Council and the Dallas County Quorum Court, and the salaries shall be paid by the City of Fordyce and Dallas County in equal monthly installments;

(23) The Desha County District Court — Dumas Department Judge shall receive an annual salary of not less than twenty-seven thousand five hundred dollars (\$27,500) nor more than forty-five thousand dollars (\$45,000). The clerk of the court shall receive an annual salary of not less than eighteen thousand dollars (\$18,000) nor more than thirty thousand dollars (\$30,000), and the deputy clerk shall receive an annual salary of not less than fourteen thousand five hundred dollars (\$14,500) nor more than twenty-three thousand dollars (\$23,000). The salaries shall be paid one-half ($\frac{1}{2}$) by the Desha County Quorum Court and one-half ($\frac{1}{2}$) by the City of Dumas and shall be determined by the Desha County Quorum Court and the governing body of the City of Dumas;

(24) The Desha County District Court — McGehee Department Judge shall receive an annual salary of not less than twenty-seven thousand five hundred dollars (\$27,500) nor more than forty-five thousand dollars (\$45,000). The salary shall be paid one-half ($\frac{1}{2}$) by the Desha County Quorum Court and one-half ($\frac{1}{2}$) by the City of McGehee and shall be determined by the Desha County Quorum Court and the governing body of the City of McGehee. The district court clerk shall be employed and paid by the City of McGehee at such a salary as the governing body shall determine;

(25) The Drew County District Court Judge shall receive an annual salary of not less than twenty thousand dollars (\$20,000) nor more than thirty thousand dollars (\$30,000). The salary shall be paid one-half ($\frac{1}{2}$) by the City of Monticello and one-half ($\frac{1}{2}$) by Drew County in the amount as may be agreed to by the Drew County Quorum Court and the governing body of the City of Monticello;

(26) The East Camden District Court Judge shall receive an annual salary of not less than three thousand eight hundred fifty-nine dollars (\$3,859) nor more than twenty-three thousand dollars (\$23,000), to be paid by the City of East Camden;

(27) The Elkins District Court Judge shall receive an annual salary of not less than twenty thousand dollars (\$20,000) nor more than thirty-five thousand dollars (\$35,000). The annual salary for each clerk of the court shall be not less than ten thousand dollars (\$10,000) nor more than thirty-five thousand dollars (\$35,000);

(28) The Faulkner County District Court Judge shall receive an annual salary of not less than seventy thousand dollars (\$70,000) nor more than one hundred twelve thousand dollars (\$112,000);

(29) The Fayetteville District Court Judge shall receive an annual salary of not less than eighty thousand dollars (\$80,000) nor more than one hundred thirty-five thousand dollars (\$135,000);

(30) The Franklin County District Court — Charleston District Judge shall receive an annual salary of not less than ten thousand dollars (\$10,000) nor more than thirty thousand dollars (\$30,000). The salaries and costs may be set and the payment may be apportioned by agreement between the governing body of the City of Charleston and the Franklin County Quorum Court;

(31) The Franklin County District Court — Ozark District Judge shall receive an annual salary of not less than twenty-two thousand six hundred dollars (\$22,600) nor more than thirty-five thousand dollars (\$35,000). The salary and costs may be set and the payment thereof may be apportioned by agreement between the governing body of the City of Ozark and the Franklin County Quorum Court;

(32) The Fulton County District Court Judge shall receive an annual salary of not less than twenty-two thousand dollars (\$22,000) nor more than thirty-two thousand dollars (\$32,000). The annual salary of the Fulton County District Court Clerk shall be not less than fifteen thousand three hundred dollars (\$15,300) nor more than twenty-two thousand dollars (\$22,000). The expense of salaries, along with all other necessary and customary expenses of the court, shall be shared by Fulton County, the City of Salem, and the City of Mammoth Spring, based on a percentage of the actual number of cases handled through the court for each governmental entity. The percentage shall be determined annually by dividing the total number of cases handled by the court into the number of cases handled annually for each of the aforementioned governmental entities. On January 1 of each year, each share shall be estimated based on the number of cases handled by the court for each of the respective governmental entities for the preceding year. However, on December 31 of each year, each share shall be adjusted to reflect the actual percentage for each governmental entity for that year based on the actual case load. The salaries and expenses shall be paid in equal monthly installments by Fulton County, and the City of Salem and the City of Mammoth Spring shall reimburse the county on a monthly basis for their respective shares of salaries and expenses;

(33) The Garland County District Court Judges, Departments 1 and 2, shall receive an annual salary of not less than sixty-five thousand dollars (\$65,000) nor more than eighty-six thousand dollars (\$86,000), and the Garland County District Court Clerk shall receive an annual salary of not less than twenty-six thousand dollars (\$26,000) nor more than fifty-two thousand dollars (\$52,000). The salaries shall be determined by the governing body of the City of Hot Springs and the Garland County Quorum Court;

(34)(A) The Grant County District Court Judge shall receive an annual salary of not less than ten thousand dollars (\$10,000) nor more than fifty thousand dollars (\$50,000), as approved by the Grant County Quorum Court.

(B) The Grant County District Court Clerk shall receive an annual salary of not less than twenty-one thousand dollars (\$21,000) nor more than thirty-six thousand dollars (\$36,000), as approved by the Grant County Quorum Court.

(C) The district court judge's and clerk's salary shall be paid as follows:

(i) Twenty-seven percent (27%) to be paid by the City of Sheridan; and

(ii) Seventy-three percent (73%) to be paid by Grant County;

(35) The Greene County District Court — Paragould District clerk shall receive an annual salary of not less than nineteen thousand eight hundred fifty-six dollars (\$19,856) nor more than forty thousand dollars (\$40,000), the chief deputy clerk shall receive an annual salary of not less than sixteen thousand six hundred twenty-four dollars (\$16,624) nor more than thirty-five thousand dollars (\$35,000), and the deputy clerk shall receive an annual salary of not less than thirteen thousand three hundred fourteen dollars (\$13,314) nor more than thirty-two thousand dollars (\$32,000). The salaries shall be determined by the Greene County Quorum Court and the governing body of the City of Paragould and shall be paid in twelve (12) equal monthly installments;

(36) The Hempstead County District Court Judge shall receive an annual salary of not less than thirty-seven thousand five hundred dollars (\$37,500), beginning January 1996, nor more than forty-five thousand dollars (\$45,000), and the district court clerk shall receive an annual salary of not less than twenty-four thousand dollars (\$24,000) nor more than thirty thousand dollars (\$30,000). The amount of the salaries shall be determined by agreement between the governing body of the City of Hope and the Hempstead County Quorum Court;

(37) The Hot Spring County District Court Judge shall receive an annual salary of not less than thirty-five thousand dollars (\$35,000) nor more than fifty-nine thousand five hundred dollars (\$59,500), as prescribed by the governing body of the City of Malvern and the Hot Spring County Quorum Court, and provided further, that the first seventeen thousand five hundred dollars (\$17,500) shall be paid fifty percent (50%) by the city and fifty percent (50%) by the county, and that portion of the annual salary in excess of seventeen thousand five hundred dollars (\$17,500) shall be paid by the city and county in the same proportion that the city and county shared in the revenues generated by the court in the previous year. Furthermore, the Hot Spring County District Court Judge shall be entitled to an additional deputy district court clerk whose salary shall be determined by the governing body of the City of Malvern and the Hot Spring County Quorum Court, and the salary shall be paid by the city and county in the same proportion as the city and county shared in the revenues generated by the court in the previous year;

(38) The Howard County District Court Judge shall have an annual salary of not less than twenty-one thousand dollars (\$21,000). The Howard County District Court Clerk shall receive an annual salary of not less than twelve thousand dollars (\$12,000) nor more than nineteen thousand dollars (\$19,000), unless provided for otherwise by ordinance of the Howard County Quorum Court and the governing body of the City of Nashville. The salaries are to be paid one-half (½) by the City of Nashville and one-half (½) by Howard County;

(39) The Izard County District Court Judge shall receive an annual salary of not less than ten thousand two hundred dollars (\$10,200) nor more than thirty-three thousand dollars (\$33,000), and the district

court clerk shall receive an annual salary of not less than five thousand four hundred dollars (\$5,400) nor more than twenty-eight thousand dollars (\$28,000). However, the salaries shall be subject to the approval of the Melbourne City Council and the Izard County Quorum Court;

(40) The Jackson County District Court Judge shall receive an annual salary of not less than thirty-five thousand dollars (\$35,000) nor more than forty-five thousand dollars (\$45,000). The salary of the district court judge shall be paid one-half ($\frac{1}{2}$) by the City of Newport and one-half ($\frac{1}{2}$) by Jackson County;

(41) The Jacksonville District Court clerk shall receive an annual salary of not less than thirty-three thousand nine hundred thirty-seven dollars (\$33,937) nor more than thirty-six thousand nine hundred dollars (\$36,900);

(42) The Jasper District Court Judge shall receive an annual salary of not less than fifteen thousand five hundred dollars (\$15,500) nor more than twenty-two thousand dollars (\$22,000), and the clerk shall receive an annual salary of not less than twelve thousand five hundred dollars (\$12,500) nor more than seventeen thousand five hundred dollars (\$17,500). All salaries and all other expenses of the office shall be paid one hundred percent (100%) by the county;

(43)(A) The Jefferson County District Court Judge shall receive an annual salary of not less than eighty-five thousand dollars (\$85,000) nor more than ninety-five thousand dollars (\$95,000), as may be approved by the Jefferson County Quorum Court and the governing body of the City of Pine Bluff. The clerk of the court shall receive an annual salary of not less than twenty-eight thousand dollars (\$28,000) nor more than forty-five thousand dollars (\$45,000), as may be approved by the Jefferson County Quorum Court and the governing body of the City of Pine Bluff.

(B) The Pine Bluff District Court Judge shall receive an annual salary of not less than eighty-five thousand dollars (\$85,000) nor more than ninety-five thousand dollars (\$95,000), as may be approved by the Jefferson County Quorum Court and the governing body of the City of Pine Bluff. The clerk of the court shall receive an annual salary of not less than twenty-eight thousand dollars (\$28,000) nor more than forty-five thousand dollars (\$45,000), as may be approved by the Jefferson County Quorum Court and the governing body of the City of Pine Bluff.

(C) The Jefferson County District Court Judge and the Pine Bluff District Court Judge shall not engage in the private practice of law;

(44) The Johnson County District Court Judge shall receive an annual salary of not less than thirty thousand dollars (\$30,000) nor more than forty thousand dollars (\$40,000). This expense, as well as all other expenses related to the operation of the Johnson County District Court, is to be divided among the county and all cities within the county based on the percentage of the total fine money collected during the year by each participating entity;

(45) The Lafayette County District Court Judge shall receive an annual salary of not less than seventeen thousand three hundred

twelve dollars and nineteen cents (\$17,312.19) nor more than thirty thousand dollars (\$30,000), and the City of Lewisville shall pay to the district judge at least five thousand two hundred eighty-seven dollars and fifty-three cents (\$5,287.53) but no more than nine thousand five hundred dollars (\$9,500) of the salary, and Lafayette County shall pay to the district judge at least twelve thousand twenty-four dollars and sixty-six cents (\$12,024.66) but not more than twenty thousand five hundred dollars (\$20,500) of the salary. The Lafayette County District Court Clerk shall receive an annual salary of not less than fifteen thousand one hundred eighty-three dollars and fifty-nine cents (\$15,183.59) nor more than twenty-two thousand dollars (\$22,000), and the City of Lewisville shall pay to the district court clerk at least four thousand seventy-five dollars and fifty cents (\$4,075.50) but not more than seven thousand seven hundred dollars (\$7,700) of the salary, and Lafayette County shall pay to the district court clerk not less than eleven thousand one hundred eight dollars and nine cents (\$11,108.09) but not more than fourteen thousand three hundred dollars (\$14,300) of the salary. Beginning January 1, 2008, the amount and manner of payment of the salaries of the district court judge and district court clerk may be established within the ranges specified in this subdivision (a)(45) by mutual agreement of the Lafayette County Quorum Court and the Lewisville City Council, as well as the amount and manner of payment of all other expenses of operation of the Lafayette County District Court;

(46)(A) The Lawrence County District Court — Hoxie Department Judge shall receive an annual salary of not less than thirteen thousand five hundred dollars (\$13,500) nor more than twenty thousand dollars (\$20,000), to be paid by the City of Hoxie and approved by its governing body.

(B) The Lawrence County District Court — Walnut Ridge Department Judge shall receive an annual salary of not less than fifty thousand dollars (\$50,000) nor more than sixty thousand dollars (\$60,000), one-half ($\frac{1}{2}$) of the salary to be paid by the City of Walnut Ridge and the other one-half ($\frac{1}{2}$) shall be paid by Lawrence County;

(47) The Lee County District Court Judge shall receive an annual salary of not less than sixteen thousand dollars (\$16,000) nor more than thirty-six thousand dollars (\$36,000). The pro rata share of the salary attributable to the City of Marianna shall be at least seven thousand dollars (\$7,000) but not more than twenty thousand seven hundred dollars (\$20,700), and the pro rata share of the salary attributable to Lee County shall be at least nine thousand dollars (\$9,000) but not more than fifteen thousand three hundred dollars (\$15,300). Lee County shall pay all of the salary, and the City of Marianna shall reimburse Lee County on a monthly basis the pro rata share of the annual salary attributable to the City of Marianna;

(48) The Lincoln County District Court Judge shall receive an annual salary of not less than thirty-eight thousand dollars (\$38,000) nor more than forty-five thousand dollars (\$45,000);

(49) The Little River County District Court Judge shall receive an annual salary of not less than thirty-two thousand eight hundred dollars (\$32,800) nor more than fifty-eight thousand dollars (\$58,000), as determined by the governing body of the City of Ashdown and the Little River County Quorum Court. The salary shall be paid sixty-two percent (62%) by Little River County and thirty-eight percent (38%) by the City of Ashdown, unless otherwise agreed by the Little River County Quorum Court and the governing body of the City of Ashdown;

(50) The Little Rock District Court Judges, Departments 1, 2, and 3, shall receive annual salaries of not less than one hundred fifteen thousand dollars (\$115,000) nor more than one hundred forty thousand dollars (\$140,000);

(51) The Logan County District Court — Northern District Judge shall receive an annual salary of not less than twenty-two thousand dollars (\$22,000) nor more than forty thousand dollars (\$40,000), as may be determined by the Paris City Council and the Logan County Quorum Court and shall be payable one-half ($\frac{1}{2}$) by the City of Paris and one-half ($\frac{1}{2}$) by Logan County and shall be paid in twelve (12) equal monthly installments;

(52) The Logan County District Court — Southern District Judge shall receive an annual salary of not less than twenty-two thousand dollars (\$22,000) nor more than forty thousand dollars (\$40,000), as may be determined by the Booneville City Council and the Logan County Quorum Court and shall be payable one-half ($\frac{1}{2}$) by the City of Booneville and one-half ($\frac{1}{2}$) by Logan County and shall be paid in twelve (12) equal monthly installments;

(53) The Lonoke County District Court — Northern District Cabot Department Judge shall receive an annual salary of not less than twenty-five thousand dollars (\$25,000) nor more than fifty thousand dollars (\$50,000), as may be determined by the governing body of the City of Cabot;

(54) The Lonoke County District Court — Northern District Ward Department Judge shall receive an annual salary of not less than three thousand six hundred dollars (\$3,600) nor more than fifteen thousand dollars (\$15,000), as may be determined by the governing body of the City of Ward;

(55) The Lonoke County District Court — Southern District Carlisle Department Judge shall receive an annual salary of not less than four thousand five hundred dollars (\$4,500) nor more than nineteen thousand dollars (\$19,000);

(56) The Lonoke County District Court — Southern District England Department Judge shall receive an annual salary of not less than four thousand five hundred dollars (\$4,500) nor more than nineteen thousand dollars (\$19,000);

(57) The Lonoke County District Court — Southern District Lonoke Department Judge shall receive an annual salary of not less than five thousand dollars (\$5,000) nor more than twenty thousand dollars (\$20,000), as may be determined by the governing body of the City of Lonoke;

(58) The Madison County District Court Judge shall receive an annual salary of not less than twenty-two thousand dollars (\$22,000) nor more than thirty-six thousand dollars (\$36,000);

(59) The Marion County District Court Judge shall receive an annual salary of not less than twenty thousand dollars (\$20,000) nor more than thirty-five thousand dollars (\$35,000);

(60) The Marion District Court Judge shall receive an annual salary of not less than forty thousand dollars (\$40,000) nor more than fifty-one thousand dollars (\$51,000). This salary shall be as determined by the Marion City Council;

(61) The Maumelle District Court Judge shall receive an annual salary of not less than twenty thousand three hundred fifty dollars (\$20,350) nor more than forty thousand dollars (\$40,000). The district court clerk shall receive an annual salary of not less than seventeen thousand five hundred dollars (\$17,500) nor more than forty thousand dollars (\$40,000). The salary of both the judge and the clerk shall be as determined by the City of Maumelle Board of Directors;

(62)(A) The Miller County District Court shall have two (2) departments, the City of Texarkana Department and the Miller County Department.

(B) The Miller County District Court — City of Texarkana Department shall hear all civil and criminal cases arising out of violations of city ordinances and those cases arising out of violations of state laws committed within the corporate limits of the City of Texarkana and all other cases in controversy arising within the corporate limits of the city within the jurisdiction of a district court as established by law. The Miller County District Court — City of Texarkana Department shall have a chief district court clerk whose salary shall be paid by the City of Texarkana in an amount to be determined by its governing body.

(C) The Miller County District Court — Miller County Department shall hear all civil and criminal cases arising out of violations of any of the laws of the state committed outside the corporate limits of the City of Texarkana and all other cases in controversy arising outside the corporate limits of the city within the jurisdiction of a district court as established by law. The Miller County District Court — Miller County Department shall have a chief district court clerk whose salary shall be paid by Miller County in an amount to be determined by its quorum court;

(63) The Mississippi County District Court — Osceola District Court Judge shall receive an annual salary of not less than seventy-two thousand dollars (\$72,000) nor more than one hundred thousand dollars (\$100,000), as may be approved by the Mississippi County Quorum Court and the governing body of Osceola;

(64) The Monroe County District Court — Brinkley Department Judge shall receive an annual salary of not less than ten thousand two hundred dollars (\$10,200) nor more than thirty-five thousand dollars (\$35,000), and the Monroe County District Court — Brinkley Depart-

ment Court Clerk shall receive an annual salary of not less than ten thousand four hundred eighty-eight dollars (\$10,488) and not more than twenty-seven thousand five hundred dollars (\$27,500);

(65) The Monroe County District Court — Clarendon Department Judge shall receive an annual salary of not less than four thousand eight hundred dollars (\$4,800) and the Monroe County District Court — Clarendon Department Court Clerk shall receive an annual salary of not less than eight thousand nine hundred eighty-eight dollars (\$8,988);

(66) The Montgomery County District Court Judge shall receive an annual salary of not less than seventeen thousand dollars (\$17,000) nor more than thirty thousand dollars (\$30,000) to be paid in equal monthly installments. The district court clerk shall receive an annual salary of not less than nineteen thousand dollars (\$19,000) nor more than twenty-seven thousand dollars (\$27,000), and the district court secretary shall receive an annual salary of not less than sixteen thousand dollars (\$16,000) nor more than twenty-two thousand dollars (\$22,000). Montgomery County shall pay eighty percent (80%) of the salaries, and the City of Mt. Ida shall pay twenty percent (20%) of the salaries;

(67) The Nevada County District Court Judge shall receive an annual salary of not less than twenty-one thousand dollars (\$21,000) nor more than twenty-six thousand dollars (\$26,000), and the annual salary of the Nevada County District Court Clerk shall be not less than twelve thousand dollars (\$12,000) nor more than eighteen thousand dollars (\$18,000). The salaries for the district court judge and district court clerk shall be established within these ranges by the Nevada County Quorum Court and the Prescott City Council, and the salaries shall be paid sixty percent (60%) by Nevada County and forty percent (40%) by the City of Prescott. The salaries shall be paid in equal monthly installments;

(68)(A) The North Little Rock District Court Judges, Departments 1 and 2, are each authorized to employ a chief district court clerk, whose salary shall be at least thirty-two thousand five hundred dollars (\$32,500) but not more than fifty-five thousand five hundred dollars (\$55,500), a deputy clerk, whose salary shall be at least thirty-two thousand dollars (\$32,000) but not more than forty-two thousand five hundred dollars (\$42,500), and two (2) clerks, whose salaries shall each be at least twenty thousand dollars (\$20,000) but not more than forty thousand dollars (\$40,000).

(B) The North Little Rock District Court Judges, Departments 1 and 2, subject to the approval of the governing body of North Little Rock, may each employ an additional clerk whose salary shall be at least twenty thousand dollars (\$20,000) but not more than forty thousand dollars (\$40,000);

(69) The Perry County District Court Judge shall receive an annual salary to be paid by Perry County of not less than twenty-three thousand five hundred dollars (\$23,500) nor more than thirty thousand dollars (\$30,000);

(70) The Phillips County District Court Judges, Departments 1 and 2, shall receive annual salaries of not less than thirty thousand dollars (\$30,000) nor more than fifty-five thousand dollars (\$55,000). The salaries shall be determined by the governing body of the City of Helena-West Helena and the Phillips County Quorum Court, with the City of Helena-West Helena paying sixty percent (60%) of the salaries and Phillips County paying forty percent (40%) of the salaries. Subject to the annual salary cap of fifty-five thousand dollars (\$55,000), the salaries may be increased, but any increase in the base salaries shall be borne entirely by the governing body or bodies that approved the increase;

(71) The Pike County District Court Judge shall receive an annual salary of not less than six thousand dollars (\$6,000) nor more than fifteen thousand dollars (\$15,000), and the district court clerk shall receive an annual salary of not less than three thousand dollars (\$3,000) nor more than thirty-five thousand dollars (\$35,000). Seventy-five percent (75%) of the salaries shall be paid by Pike County, and twenty-five percent (25%) shall be paid by the City of Murfreesboro;

(72) The Poinsett County District Court shall consist of five (5) departments located in Harrisburg, Lepanto, Marked Tree, Trumann, and Tyronza. All five (5) departments are to be served by one (1) judge. The salaries of the court clerk of each department will be as determined by the governing body of each municipality where the department is located. The salaries of each court clerk shall be payable one-half ($\frac{1}{2}$) by Poinsett County and one-half ($\frac{1}{2}$) by the municipalities. The municipalities shall receive from the county each month the county's share of the clerks' salaries. The county shall also pay one-half ($\frac{1}{2}$) of the expenses of all departments of the court;

(73) The Polk County District Court Judge shall receive an annual salary of not less than thirty-two thousand dollars (\$32,000) nor more than forty-six thousand dollars (\$46,000) to be paid in equal monthly installments, with fifty-six percent (56%) to be paid by Polk County, twenty-seven percent (27%) to be paid by the City of Mena, and seventeen percent (17%) to be paid by the town of Grannis;

(74) The Pope County District Court clerk shall receive an annual salary of not less than twenty-three thousand dollars (\$23,000) nor more than forty thousand dollars (\$40,000), the chief deputy clerk of the court shall receive an annual salary of not less than eighteen thousand five hundred dollars (\$18,500) nor more than thirty-six thousand dollars (\$36,000), and the deputy clerk of the court shall receive an annual salary of not less than sixteen thousand five hundred dollars (\$16,500) nor more than twenty-seven thousand five hundred dollars (\$27,500);

(75) The Prairie County District Court — Northern District Judge shall receive an annual salary of not less than seven thousand dollars (\$7,000) nor more than fifteen thousand dollars (\$15,000);

(76) The Prairie County District Court — Southern District Biscoe Department Judge shall receive an annual salary of not less than three

thousand six hundred dollars (\$3,600) nor more than thirteen thousand six hundred dollars (\$13,600);

(77) The Prairie County District Court — Southern District DeValls Bluff Department Judge shall receive an annual salary of not less than three thousand six hundred dollars (\$3,600) nor more than thirteen thousand six hundred dollars (\$13,600);

(78) The Prairie County District Court — Southern District Hazen Department Judge shall receive an annual salary of not less than six thousand four hundred dollars (\$6,400) nor more than sixteen thousand four hundred dollars (\$16,400);

(79) The Prairie Grove District Court Judge shall receive an annual salary of not less than twenty-five thousand dollars (\$25,000) nor more than forty-two thousand dollars (\$42,000), and the clerk shall receive an annual salary of not less than twelve thousand five hundred dollars (\$12,500) nor more than thirty-nine thousand three hundred seventy-five dollars (\$39,375);

(80) The Pulaski County District Court clerk shall receive an annual salary of not less than thirty-seven thousand dollars (\$37,000) nor more than sixty-five thousand six hundred fifty dollars (\$65,650), and the court bailiff shall receive an annual salary of not less than thirty-two thousand dollars (\$32,000) nor more than forty-eight thousand three hundred dollars (\$48,300);

(81) The Randolph County District Court Judge shall receive an annual salary of not less than nineteen thousand dollars (\$19,000) nor more than forty-five thousand dollars (\$45,000), and the district court clerk shall receive an annual salary of not less than six thousand dollars (\$6,000) nor more than thirty-five thousand dollars (\$35,000). The salaries shall be payable one-half ($\frac{1}{2}$) by the City of Pocahontas and one-half ($\frac{1}{2}$) by Randolph County and shall be payable in twelve (12) equal monthly installments;

(82) The Saline County District Court — Benton Department District Court Clerk shall receive an annual salary of not less than thirty thousand dollars (\$30,000) nor more than fifty thousand dollars (\$50,000). The salary shall be as determined by the governing body of the City of Benton and the Saline County Quorum Court;

(83) The Scott County District Court Judge shall receive an annual salary of not less than twenty-seven thousand dollars (\$27,000) nor more than thirty-five thousand dollars (\$35,000), and the district court clerk shall receive an annual salary of not less than thirteen thousand dollars (\$13,000) nor more than twenty thousand dollars (\$20,000). The salaries shall be subject to the approval of the Waldron City Council and the Scott County Quorum Court and shall be paid in equal monthly installments, one-half ($\frac{1}{2}$) to be paid by the City of Waldron and one-half ($\frac{1}{2}$) to be paid by Scott County;

(84) The Searcy County District Court Judge shall receive an annual salary of not less than twenty-two thousand dollars (\$22,000) nor more than thirty-two thousand five hundred dollars (\$32,500), and the clerk of the court shall receive an annual salary of not less than eighteen

thousand five hundred dollars (\$18,500) nor more than twenty-two thousand dollars (\$22,000), as determined by the Searcy County Quorum Court and the governing body of the City of Marshall by ordinances or resolutions adopted by the respective bodies. The salary of the judge shall be determined by ordinances or resolutions of the quorum court and the governing body of the city within the minimum and maximum prescribed in this subdivision (a)(84). All salaries shall be paid fifty percent (50%) by Searcy County and fifty percent (50%) by the City of Marshall. The salaries shall be paid in equal monthly installments. The Searcy County District Court Judge shall be of good moral character, shall be a resident and elector of the city, county, and the state, and shall possess the qualifications required by law of circuit judges;

(85) The Sebastian County District Court — Fort Smith District Judges, Departments 1 and 2, shall appoint a qualified elector to serve as district court clerk. The salaries of the district court clerks and any special judges authorized by this subdivision (a)(85) and the operating expenses of the Sebastian County District Court — Fort Smith District shall be paid seventy percent (70%) by the City of Fort Smith and thirty percent (30%) by Sebastian County. A special judge shall be paid one hundred fifty dollars (\$150) for each day he or she serves, to be paid by the city and county;

(86) The Sebastian County District Court — Greenwood District salaries of the court clerk and the clerk's deputies shall be set by the Sebastian County Quorum Court. The salaries shall be paid ninety percent (90%) by Sebastian County and ten percent (10%) by the City of Greenwood. In order to defray the expenses of operating the Sebastian County District Court — Greenwood District, ninety percent (90%) of the Sebastian County net fines, ten percent (10%) of the City of Greenwood net fines, and fifteen percent (15%) of all other cities' net fines processed by the Sebastian County District Court — Greenwood District may or shall be deposited in a bank account entitled the Greenwood District Court Operating Fund to be administered by the Sebastian County District Court — Greenwood District Judge pursuant to a budget approved as follows: the district judge shall submit a proposed annual budget to a committee composed of the members of the quorum court that represent the Greenwood District of Sebastian County. The committee shall approve the judge's budget or formulate a reasonable budget that shall be approved by the Sebastian County Quorum Court, unless found by a majority of the quorum court to be clearly excessive. If funds provided from the fines as set out in this subdivision (a)(86) become insufficient or excessive, the committee shall adjust the percentage of fines on a pro rata basis to increase or decrease the funds necessary to operate the court pursuant to the budget established in this subdivision (a)(86). The Sebastian County District Court Judge — Greenwood District shall be bonded in accordance with §§ 19-1-401 — 19-1-403;

(87) The Sevier County District Court Judge shall receive an annual salary of not less than thirty-five thousand dollars (\$35,000) nor more

than eighty percent (80%) of the annual salary established by law for circuit judges. The Sevier County District Court Clerk shall have an annual salary of not less than fourteen thousand dollars (\$14,000). The salaries, expenses, and operating costs of the Sevier County District Court shall be paid equally by the City of DeQueen and Sevier County;

(88) The Sharp County District Court Judge shall receive an annual salary of not less than thirty thousand dollars (\$30,000) nor more than forty thousand dollars (\$40,000) and the Sharp County District Court Clerk shall receive an annual salary of not less than sixteen thousand dollars (\$16,000) nor more than twenty thousand dollars (\$20,000), as determined by the Sharp County Quorum Court and to be paid by Sharp County;

(89) The Sherwood District Court Judge shall receive an annual salary of not less than sixty thousand dollars (\$60,000) nor more than eighty-five thousand dollars (\$85,000), and the district court clerk shall receive an annual salary of not less than fifty thousand dollars (\$50,000) nor more than seventy-five thousand dollars (\$75,000). The salaries are to be determined by the governing body of the City of Sherwood;

(90) The Springdale District Court Judge shall receive an annual salary of not less than one hundred ten thousand dollars (\$110,000) nor more than one hundred sixty-five thousand dollars (\$165,000), as determined by the governing body of the City of Springdale;

(91) The Stone County District Court Judge shall receive an annual salary of not less than eight thousand dollars (\$8,000) nor more than thirty thousand dollars (\$30,000), and the district court clerk shall receive an annual salary of not less than six thousand dollars (\$6,000) nor more than twenty-three thousand dollars (\$23,000). The salaries shall be subject to the approval of the Mountain View City Council and the Stone County Quorum Court;

(92) The Van Buren County District Court Judge shall receive an annual salary of not less than fifteen thousand dollars (\$15,000) nor more than forty thousand dollars (\$40,000), as determined by the Clinton City Council and the Van Buren County Quorum Court. This salary and that of the district court clerk and any deputies shall be apportioned between the county and any city in the county by agreement between the respective governing bodies;

(93) The West Fork District Court Judge shall receive an annual salary of not less than twenty-five thousand dollars (\$25,000) nor more than forty-two thousand dollars (\$42,000). The annual salary for each district court clerk shall be not less than twelve thousand five hundred dollars (\$12,500) nor more than thirty-nine thousand three hundred seventy-five dollars (\$39,375);

(94) The West Memphis District Court Judge shall receive an annual salary of not less than fifty-four thousand dollars (\$54,000) nor more than sixty-five thousand dollars (\$65,000). The salary shall be determined by the governing body of the City of West Memphis and the Crittenden County Quorum Court;

(95) The White County District Court — Beebe Department Judge shall receive an annual salary of not less than twenty-five thousand eight hundred dollars (\$25,800) nor more than thirty thousand nine hundred ninety dollars (\$30,990). The district court clerk shall receive an annual salary of not less than twenty-five thousand two hundred ten dollars (\$25,210) nor more than thirty thousand nine hundred ninety dollars (\$30,990);

(96) The White County District Court — Searcy Department Judge shall receive an annual salary of not less than sixty-seven thousand one hundred dollars (\$67,100) nor more than seventy-one thousand one hundred dollars (\$71,100);

(97) The Woodruff County District Court Judge shall receive an annual salary of not less than eighteen thousand dollars (\$18,000) nor more than thirty-six thousand dollars (\$36,000);

(98) The Wrightsville District Court Judge shall receive an annual salary of not less than sixteen thousand dollars (\$16,000) nor more than twenty-five thousand dollars (\$25,000). The district court clerk shall receive an annual salary of not less than ten thousand nine hundred twenty-six dollars (\$10,926) nor more than twenty thousand dollars (\$20,000). The salaries shall be determined by the City of Wrightsville Board of Directors;

(99) The Yell County District Court — Northern District Judge shall receive an annual salary of not less than ten thousand one hundred six dollars (\$10,106) nor more than twenty-one thousand six hundred forty-three dollars (\$21,643), as determined by the Yell County Quorum Court; and

(100) The Yell County District Court — Southern District Judge shall receive an annual salary of not less than ten thousand one hundred six dollars (\$10,106) nor more than twenty-one thousand six hundred forty-three dollars (\$21,643), as determined by the Yell County Quorum Court.

(b)(1) The Elkins District Court Judge, Fayetteville District Court Judge, Prairie Grove District Court Judge, Springdale District Court Judge, and West Fork District Court Judge, at the request of the Washington County Circuit Court and with the consent of the respective district judges, may perform certain functions as a judicial officer and as authorized by the Arkansas Rules of Criminal Procedure or may perform certain pretrial functions, including, but not limited to, conducting pretrial release inquiries, making reasonable cause determinations, accepting pleas of not guilty or not guilty by reason of insanity, and issuing search warrants, arrest warrants, and summons.

(2) Additional compensation in excess of the salary provided in this section may be paid and must be approved by appropriation ordinances of the engaging county quorum court.

History. Acts 1989, No. 425, §§ 1, 2; § 1; 1989 (3rd Ex. Sess.), No. 67, §§ 1-6; 1989, No. 443, § 3; 1989, No. 706, § 3; 1991, No. 35, § 1; 1991, No. 715, §§ 1, 4; 1989, No. 873, § 1; 1989 (3rd Ex. Sess.), 1991, No. 982, § 1; 1991, No. 1152, § 1; No. 13, § 1; 1989 (3rd Ex. Sess.), No. 29, 1992 (1st Ex. Sess.), No. 3, § 1; 1992 (1st

Ex. Sess.), No. 6, § 1; 1992 (1st Ex. Sess.), No. 33, §§ 1, 3; 1992 (1st Ex. Sess.), No. 39, § 1; 1993, No. 1260, § 1; 1994 (2nd Ex. Sess.), No. 29, § 4; 1995, No. 1346, § 1; 1995 (1st Ex. Sess.), No. 13, § 6; 1997, No. 424, § 1; 1997, No. 1349, § 1; 1999, No. 1470, § 1; 2001, No. 1714, § 1; 2003, No. 1475, § 1; 2005, No. 1814, § 1; 2005, No. 2194, § 1; 2005, No. 2220, § 1; 2007, No. 737, § 1; 2009, No. 1446, § 1.

A.C.R.C. Notes. As amended by Acts 1989 (3rd Ex. Sess.), No. 67, former subsection (jjjj) (now (llll)) provided, in part: "For the remainder of 1989, the salaries and expenses shall be shared as follows: Fulton County, Arkansas — 78%, the City of Salem, Arkansas — 13%, and the City of Mammoth Spring, Arkansas — 9%. On December 31, 1989, the shares shall be adjusted as set forth above based on the actual cases handled for 1989."

As enacted, subdivision (y)(2) provided, in part: "All cases on the docket of the Municipal Court of Jonesboro or the Lake City Branch of the Municipal Court on the effective date of this act shall continue to be on the docket and shall be heard by the Municipal Court of Craighead County."

As enacted, former subsection (uuuu) (now (www)) provided, in part: "On and after the effective date of this act, the El Dorado Municipal Court shall hereafter be known as the Union County Municipal Court."

As enacted, former subsection (yyyy) (now (aaaa)) provided, in part: "The Warren Municipal Court shall hereafter be known as the Bradley County Municipal Court."

It is not clear what is meant by the use of "may/shall" in former subsection (mm) (now (nn)).

Acts 1989, No. 873, § 3 provided: "Except as otherwise provided in any subsection of Section 1 hereof, the provisions of this act and the salaries prescribed herein shall be retroactive to January 1, 1989."

As amended by Acts 1995, No. 1346, § 1, subsection (mm) provided: "The qualified electors of the City of Fort Smith shall elect, in addition to the presently elected municipal judge, an additional municipal judge for the Second Division of the Fort Smith Municipal Court. The qualified electors shall elect the judge at the general election for a four-year term."

As amended by Acts 1995, No. 1346,

§ 1, subsection (iii) began: "Retroactive to January 1, 1992."

As amended by Acts 1995, No. 1346, § 1, subsection (yyy) provided: "Effective immediately, the Osceola Municipal Court shall have jurisdiction over the Osceola District of Mississippi County."

Pursuant to § 1-2-207, this section is set out above as amended by Acts 1997, No. 1349. Subsection (hhh) of this section was also amended by Acts 1997, No. 424 to read as follows: "(hhh) Retroactive to January 1, 1995, the Magnolia Municipal Court Judge shall receive an annual salary of not less than twenty-three thousand dollars (\$23,000) nor more than thirty thousand dollars (\$30,000), the municipal court clerk shall receive an annual salary of not less than fourteen thousand nine hundred twenty-six dollars (\$14,926) nor more than twenty-two thousand dollars (\$22,000), and the deputy court clerk shall receive an annual salary of not less than thirteen thousand three hundred ninety-seven dollars (\$13,397) nor more than eighteen thousand dollars (\$18,000). Any salaries paid over the minimum salaries set in this subsection shall be paid only upon the approval of the governing bodies of the City of Magnolia and Columbia County."

Acts 2003, No. 464, §§ 1-3, provided: "Section 1. (a) Effective January 1, 2005, there is created the District Court of Marion.

"(b) The court shall be styled 'The District Court of Marion' and shall have all the rights and powers provided by law for other district courts of this state.

"(c) The jurisdiction of the District Court of Marion shall be county-wide."

"Section 2. (a) At the November 2004 General Election and each four (4) years thereafter, the qualified electors of Crittenden County shall elect a judge of the Marion District Court on a non-partisan basis.

"(b) The judge of the Marion District Court shall be licensed to practice law in the State of Arkansas and shall have been admitted to practice law before the courts of the State of Arkansas for at least four (4) years prior to his or her election.

"(c) The judge of the District Court of Marion is authorized to appoint a clerk of the court who shall serve at the pleasure of the judge."

"Section 3. The judge and clerk of the

District Court of Marion shall receive a salary as determined by agreement between the governing body of the City of Marion and the Crittenden County Quorum Court, or as otherwise provided by law."

Publisher's Notes. Former § 16-17-108, concerning salaries of personnel of various municipal courts was repealed by Acts 1989, No. 873, § 2. The former section was derived from Acts 1987, No. 870, § 5; 1987, No. 1031, § 1; 1987 (1st Ex. Sess.), No. 21, § 9; 1987 (1st Ex. Sess.), No. 54, § 9. A preceding version of the section was repealed by Acts 1987, No. 1031, § 3. That version was derived from Acts 1981, No. 710, §§ 5, 6, 8; 1983, No. 144, § 1; 1985, No. 503, §§ 2, 3; 1985, No. 541, § 1; 1985, No. 955, § 1; 1985 (1st Ex. Sess.), No. 6, § 2; A.S.A. 1947, §§ 22-704n, 22-704.1, 22-763.5, 22-763.6, 22-763.8, and 22-763.9.

Acts 1991, No. 1152, § 1 provided that, with respect to the City of Fort Smith, the Governor shall appoint a person to serve as the Second Division Municipal Judge from January 1, 1992 through December 31, 1992. The qualified electors shall elect the judge at the November 1992 general election to take office January 1, 1993 for a two-year term and thereafter at the general election for a four-year term.

Acts 1995, No. 1346, became law without the Governor's signature.

As amended in 2001, subdivision (bbb)(2)(A) provided: "The qualified electors of the City of Pine Bluff shall elect in addition to the presently elected municipal judge an additional municipal judge for the Second Division of the Pine Bluff Municipal Court. If it is determined by the Jefferson County Quorum Court and the governing body of the City of Pine Bluff that this additional judge is needed prior to January 1, 2001, then the Governor shall appoint a person to serve as the Second Division Municipal Judge through December 31, 2000, and the qualified electors shall elect the judge at the November 2000 General Election to take office January 1, 2001, for a four-year term."

Amendments. The 2005 amendment by No. 1814 rewrote the last sentence in present (42).

The 2005 amendment by No. 2194 rewrote present (69).

The 2005 amendment by No. 2220 rewrote this section.

The 2007 amendment rewrote (a).

The 2009 amendment rewrote (a).

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

RESEARCH REFERENCES

U. Ark. Little Rock L.J. Survey of Arkansas Law, Miscellaneous, 5 U. Ark. Little Rock L.J. 175.

CASE NOTES

ANALYSIS

Construction with Other Laws.
County Liability for Salary.
Election of Judges.

Construction with Other Laws.

Residency in the City of Pine Bluff is required to be eligible as a nominee for Pine Bluff second-division municipal judge, notwithstanding that § 16-17-120 [repealed] states a general intent to abandon the city-residency requirement for municipal-court-judge candidates and electors, since this section, specifically states that only the qualified electors of

the city of Pine Bluff may elect an additional municipal judge for the Second Division of the Pine Bluff Municipal Court and Ark. Const., Art. 19, § 3, provides that one must possess the qualifications of an elector to be elected to an office. *Benton v. Gunter*, 342 Ark. 543, 29 S.W.3d 719 (2000).

County Liability for Salary.

The trial court's decision that Searcy County was liable to pay one-half of the minimum salary requirements of the Marshall, Arkansas, municipal court judge and clerk under former similar section was affirmed, despite the appellants' contention that such a requirement deprived

the rural citizens of Searcy County of equal protection and due process under the law, where that contention was raised for the first time on appeal. *Taylor v. Patterson*, 283 Ark. 11, 670 S.W.2d 444 (1984).

Election of Judges.

The appropriate procedure and deadline for filing as an independent candidate

for the office of municipal judge is governed by § 7-7-103. *Oliver v. Simons*, 318 Ark. 402, 885 S.W.2d 859 (1994).

Cited: *Williams v. Butler*, 802 F.2d 296 (8th Cir. 1986).

16-17-109 — 16-17-113. [Repealed.]

A.C.R.C. Notes. The repeal of § 16-17-110 by Acts 1995, No. 1256 has been deemed to supersede its amendment by Acts 1995, No. 1032. Acts 1995, No. 1032, § 9, purported to repeal nonexistent § 16-17-110(c), and subdivision (b)(2)(A)(ii) was amended by Acts 1995, No. 1032, § 2, to read as follows: “(b)(2)(A)(ii) Sixteen and seven-tenths percent (16.7%) to the Public Health Fund.”

Publisher's Notes. These sections, concerning additional costs upon conviction of drunkenness or driving while under the influence of intoxicants; disposition of additional court costs imposed by § 5-65-113 [repealed]; additional court costs for municipal court administration; additional costs for benefit of judicial retirement system; additional costs for administration of justice purposes; and intergovernmental agreements, were repealed by Acts 1995, No. 1256, § 20, as amended by Acts 1995 (1st Ex. Sess.), No.

13, § 4. They were derived from the following sources:

16-17-109. Acts 1951, No. 275, §§ 1-3; 1971, No. 290, § 1; A.S.A. 1947, §§ 22-706.1 — 22-706.3; Acts 1991, No. 904, §§ 5, 20.

16-17-110. Acts 1983, No. 918, § 1; 1995, No. 1032, §§ 2,9; A.S.A. 1947, § 75-2531.

16-17-111. Acts 1981, No. 942, §§ 1, 2; 1983, No. 860, §§ 1, 2; 1985, No. 246, § 1; A.S.A. 1947, §§ 22-706.4, 22-706.5; Acts 1987, No. 580, § 1; 1987 (1st Ex. Sess.), No. 49, §§ 1, 2; 1987 (1st Ex. Sess.), No. 57, §§ 1, 2; 1991, No. 357, § 1; 1991, No. 904, §§ 6, 20.

16-17-112. Acts 1983, No. 621, §§ 1-3; A.S.A. 1947, §§ 22-706.6 — 22-706.8; Acts 1987, No. 139, § 1.

16-17-113. Acts 1983, No. 860, § 3; A.S.A. 1947, § 22-706.9; Acts 1987, No. 853, § 2; 1991, No. 904, §§ 7, 20.

For present law, see § 16-10-301 et seq.

16-17-114. Restriction on receipt of fees and costs by constables in certain localities.

(a) This section shall apply to:

(1) All cities in which there are located, or may be located, state-supported educational institutions with campus enrollments of no fewer than one thousand five hundred (1,500) students; and

(2) The townships in which those cities are situated.

(b) No constable nor deputy constable shall be allowed to receive, and shall not receive, any fee, costs, penalty, payment, or compensation of any kind or nature in any criminal suit, prosecution, or arrest, or in any criminal proceeding whatsoever. However, nothing in this section shall be construed to prohibit the payment to constables of the fees now provided by law in civil cases.

(c) Any constable or deputy constable who violates the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100) for each offense. Each criminal suit,

prosecution, arrest, or proceeding in which a constable or deputy constable accepts payment or compensation shall constitute a separate offense.

(d) In addition to the penalty provided in subsection (c) of this section, a violation of this section shall constitute malfeasance in office punishable as provided by law.

History. Acts 1941, No. 80, §§ 1-3; A.S.A. 1947, §§ 22-716 — 22-718; Acts 2003, No. 1185, § 108; Jan. 1, 2005, by its own terms. 2003, No. 1185, § 108.

Effective Dates. Acts 2003, No. 1185, § 108; Jan. 1, 2005, by its own terms.

16-17-115. County's portion of district court expenses — Appropriation. [Effective until January 1, 2012.]

Except as authorized otherwise, the county wherein a district court is held shall pay one-half (½) of the salaries of the judge and the clerks of the district courts organized in that county under the provisions of § 16-17-201 et seq. and § 16-17-301 et seq. [Repealed], and the quorum court in counties subject to the provisions of either § 16-17-201 et seq. or § 16-17-301 et seq. [Repealed], or both, shall, at its annual meeting, make an appropriation of a sum sufficient to pay the county's proportion of the expenses of all such district courts. These payments shall be made out of the district court cost fund and general revenues of the county and this duty may be enforced by mandamus proceedings.

History. Acts 1951, No. 45, § 1; A.S.A. 1947, § 22-720.1; Acts 1987, No. 431, § 7; 2003, No. 1185, § 109.

Publisher's Notes. For text of section effective January 1, 2012, see the following version.

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

16-17-115. County's, town's, and city's portion of district court expenses — Appropriation. [Effective January 1, 2012.]

(a) Except as authorized otherwise, the county wherein a district court is held shall pay one-half (½) of the salaries of the district judge and each chief court clerk of any district court organized in that county under the provisions of § 16-17-901 et seq., and the quorum court in a county subject to the provisions of § 16-17-901 et seq. shall, at its annual meeting, make an appropriation of a sum sufficient to pay the county's proportion of the expenses of any such district court. These payments shall be made out of the district court cost fund and general revenues of the county.

(b)(1)(A) Except as authorized otherwise, the town or city in which a district court is held shall pay:

(i) One-half (½) of the salaries of the district judge and the chief court clerk; and

(ii) The operational expenses of the district court organized in that town or city under the provisions of § 16-17-901 et seq. unless

otherwise agreed to by the political subdivisions which contribute to the expenses of the district court.

(B) The governing body of the town or city in a town or city subject to the provisions of § 16-17-901 et seq. shall make at its annual meeting an appropriation of a sum sufficient to pay the town's or city's proportion of the salaries and operational expenses of the district court.

(2) These payments shall be made out of the district court cost fund and general revenues of the town or city.

(c)(1) Any town or city operating a city court on December 31, 2011, that becomes a department of a district court shall continue to pay the amount paid as the base salary of the city judge to the district judge who has assumed the responsibility of attending the former city court.

(2) The base salary to be paid to the district judge under subdivision (c)(1) of this section in calendar year 2012 and subsequent years shall be the amount paid by the city or town to the city judge for the calendar year 2011 .

(3) The local salary supplement described in subdivision (c)(1) of this section shall not be used when calculating any retirement benefit in the Arkansas District Judge Retirement System, § 24-8-801 et seq. [Repealed].

(d)(1) A town or city operating a city court on December 31, 2011 , that becomes a department of district court shall continue to pay the salary of the court clerk and provide for the operational expenses of that department of district court unless otherwise agreed to by the political subdivisions which contribute to the expenses of the district court.

(2) Subdivision (d)(1) of this section shall not apply to any town or city which has abolished a department of district court pursuant to state law.

(e) A district court operated solely by the county shall have the salaries and operational expenses of that court paid solely by the county unless otherwise agreed to by the political subdivisions which contribute to the expenses of the district court.

History. Acts 1951, No. 45, § 1; A.S.A. 1947, § 22-720.1; Acts 1987, No. 431, § 7; 2003, No. 1185, § 109; 2007, No. 663, § 35.

A.C.R.C. Notes. The Arkansas District Judge Retirement System, § 24-8-801 et seq. referred to in (c)(3) was repealed by Acts 2009, No. 654, § 2.

Publisher's Notes. For text of section effective until January 1, 2012, see the preceding version.

Amendments. The 2007 amendment inserted "town's, and city's" in the section heading; rewrote (a); added (b) through (e); and made related changes.

Cross References. District court gen-

erally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

"(a) Sections 2 through 15 of this act are effective January 1, 2008.

"(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

"(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

"(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the

Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of

2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-116. [Repealed.]

Publisher’s Notes. This section, concerning change of venue from municipal courts, was repealed by Acts 2003, No.

1185, § 110. The section was derived from Acts 1941, No. 118, §§ 1-3; A.S.A. 1947, §§ 22-721 — 22-723.

16-17-117. [Repealed.]

Publisher’s Notes. This section, concerning issuance of arrest warrants by clerk of court, was repealed by Acts 2009,

No. 633, § 10. The section was derived from Acts 1961, No. 121, §§ 1-3; A.S.A. 1947, §§ 22-751 — 22-753.

16-17-118. Power to postpone or suspend sentence in misdemeanor cases.

Each judge of the district court shall have the same power to postpone or suspend sentence in misdemeanor cases as is conferred upon the circuit judges of the state.

History. Acts 1961, No. 67, § 2; 1961, No. 159, § 2; A.S.A. 1947, § 22-754.

16-17-119. Counties with populations over 250,000 — Collection of Fees. [Effective until January 1, 2012.]

(a) All funds, penalties, forfeitures, fees, and costs collected in district courts in any county having a population of two hundred fifty thousand (250,000) or more inhabitants according to the most recent federal census shall be collected by the clerk of the district court and deposited in the city treasury of the city or municipality in which the court is located, to be used for maintaining and operating the district courts in the county and for other general municipal purposes, but not limited to, state police retirement funds, library and building funds, legal education funds, prosecuting attorney funds, public defender funds, and funds established for the expenses of the judiciary in general other than in district courts shall be disposed of according to law.

(b) The salaries and operational expenses of district courts described in this section shall be paid by the city or town in which the court is located. No portion of these expenses shall be paid by the county in which the court is located.

History. Acts 1979, No. 801, §§ 1, 2; A.S.A. 1947, §§ 22-764, 22-765; Acts 1992 (1st Ex. Sess.), No. 39, § 2; 2003, No. 1185, § 111.

Publisher’s Notes. Acts 1915, No. 87, referred to in this section, provided for the

establishment of municipal courts in certain first-class cities.

Acts 1927, No. 60 is codified as §§ 16-17-201 — 16-17-207 [repealed], 16-17-209 — 16-17-212, 16-17-213 [repealed], 16-17-214, 16-17-215 — 16-17-217 [repealed],

16-17-219 — 16-17-220 [repealed], 16-17-221, 16-17-222, 16-17-223 [repealed], 16-17-224, 16-19-401, and 16-19-410 — 16-19-412.

For text of section effective January 1, 2012, see the following version.

Effective Dates. Acts 2003, No. 1185, § 111: Jan. 1, 2005, by its own terms.

16-17-119. Counties with populations over 250,000 — District court expenses. [Effective January 1, 2012.]

(a)(1) The salaries and operational expenses of district courts in any county having a population of two hundred fifty thousand (250,000) or more inhabitants according to the most recent federal census shall be paid by the city or town in which the court is located.

(2) No portion of these expenses shall be paid by the county in which the court is located.

(b) This section shall not apply to a district court funded solely by a county.

(c) This section shall not apply to any town or city that has abolished a department of a district court pursuant to state law.

History. Acts 1979, No. 801, §§ 1, 2; A.S.A. 1947, §§ 22-764, 22-765; Acts 1992 (1st Ex. Sess.), No. 39, § 2; 2003, No. 1185, § 111; 2007, No. 663, § 36.

Publisher's Notes. Acts 1915, No. 87, referred to in this section, provided for the establishment of municipal courts in certain first-class cities.

Acts 1927, No. 60 is codified as §§ 16-17-201, 16-17-202 [repealed], 16-17-203 — 16-17-207, 16-17-209 — 16-17-215, 16-17-216 [repealed], 16-17-217, 16-17-219 — 16-17-222, 16-17-223 [repealed], 16-17-224, 16-19-401, and 16-19-410 — 16-19-412.

For text of section effective until January 1, 2012, see the preceding version.

Amendments. The 2007 amendment substituted "District court expenses" for "Collection of Fees" in the section heading; deleted former (a); redesignated former (b) as (a)(1) and (2); substituted "in any county having a population of two hundred fifty thousand (250,000) or more in-

habitants according to the most recent federal census" for "described in this section" in (a)(1); and added (b) and (c).

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

"(a) Sections 2 through 15 of this act are effective January 1, 2008.

"(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

"(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

"(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

"(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009."

16-17-120. [Repealed.]

Publisher's Notes. This section, concerning candidate requirements for the election of municipal judges, was repealed

by Acts 2003, No. 1185, § 112. The section was derived from Acts 1987, No. 90, § 1; 1999, No. 1574, § 1.

16-17-121. Salary increases — Factors to consider.

(a) In the event the General Assembly establishes a district court cost fund to be used exclusively for the operation and expenses of the district court, any district court judge's, clerk's, or other employee's salary authorized by § 16-17-108 may be increased from the minimum salary upward to any amount not exceeding the maximum salary authorized in § 16-17-108 and may be paid from the fund as set forth hereafter.

(b) The city council or the county quorum court, or both, if authorized, of the local governmental jurisdictions responsible for paying the salaries of the district court judge, clerks, and other employees may authorize salary increases for the various court personnel as authorized above after considering the following factors:

- (1) The amount and availability of funds in the district court cost fund;
- (2) The volume of caseload;
- (3) The backlog of cases, if any, on the court docket;
- (4) The time required in dealing with cases;
- (5) The skill required in dealing with cases; and
- (6) The amount of time taken away from the judge's private practice, if applicable.

History. Acts 1987, No. 1031, § 2; 2003, No. 1185, § 113.

erally, § 16-17-132.

Cross References. District court gen- Jurisdiction of circuit courts, Ark.

Const. Amend. 80, §§ 6, 19.

16-17-122. [Repealed.]

Publisher's Notes. This section, concerning the disposition of fines in the event of a change of venue, was repealed

by Acts 2003, No. 1185, § 114. The section was derived from Acts 1989 (3rd Ex. Sess.), No. 54, § 1.

16-17-123. [Repealed.]

Publisher's Notes. This section, concerning the filing fee for civil actions, was repealed by Acts 1995, No. 1256, § 20, as amended by Acts 1995 (1st Ex. Sess.), No.

13, § 4. The section was derived from Acts 1989, No. 816, § 1. For present law, see § 16-10-301 et seq.

16-17-124. Fee for appeal transcript — Disposition.

(a) When required to make a certification of disposition of court proceedings, including certified copies of the docket, certified copies of civil or small claims judgments, and appeal transcripts, the district court shall collect a fee of not less than five dollars (\$5.00) per case for preparation of the original.

(b) All funds derived from the fee shall be paid into the treasury of each political subdivision which contributes to the expenses of the district court based on the percentage of the expenses contributed by

the political subdivision to be appropriated for any permissible use in the administration of the district court.

History. Acts 1989, No. 901, §§ 1, 2; 2003, No. 1765, § 15; 2005, No. 1934, § 9.

Amendments. The 2005 amendment, in (b), deleted “city” preceding “treasury” and inserted “of each political subdivision ... subdivision.”

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

16-17-125. Pretrial release alternative administration fee.

(a) An administrative fee may be levied and collected, in district court or city court, from each pretrial detainee charged with either a felony or misdemeanor who is placed under the supervision of the court pending trial.

(b) The administrative fee authorized by this section may be levied only by the district court or city court which places a pretrial detainee under the supervision of the court pending trial.

(c) A district judge may impose such administrative fee for supervision if the judge finds it necessary to impose conditions of release requiring supervision of a criminal defendant pending trial and the judge does not require the posting of any bail that requires the defendant to pay a bondsman or post any form of cash or security.

(d) Such supervised pretrial release program is optional for both the court and the defendant and is an alternative to continued incarceration pending trial or to posting bond set by the court. The court shall be solely responsible for determining which defendants may be placed on the program. The defendant must agree to be placed on the program as an alternative to continued incarceration pending trial or to posting bond set by the court.

(e) All funds derived from the collection of such administrative fee shall be used by the municipality solely for the administration of justice.

(f) The administrative fee authorized by this section may be reduced or waived based on indigency.

History. Acts 1991, No. 1234, § 1.

16-17-126. Fee for filing and issuing writs of garnishment and executions — Disposition.

(a) The district court clerk shall collect a fee of ten dollars (\$10.00) for filing or issuing writs of garnishment and executions. This fee is in addition to those fees and costs established by law for specific purposes or where authorized by the county quorum court or municipality.

(b) All funds derived from the fee shall be paid into the treasury of each political subdivision which contributes to the expenses of the district court based on the percentage of the expenses contributed by the political subdivision to be appropriated for any permissible use in the administration of the district court.

History. Acts 1991, No. 262, §§ 1-3; 2003, No. 1185, § 115; 2003, No. 1765, § 16; 2005, No. 1934, § 10.

Amendments. The 2005 amendment, in (b), deleted “city” preceding “treasury,” and inserted “of each political subdivision ... political subdivision.”

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

16-17-127. Contractors providing certain services.

(a) Upon request of the district court judge or city court judge, the governing body in which a district court or city court is located or, if applicable, each governing body of a political subdivision that contributes to the expenses of a district court may contract with a person that has registered with the Secretary of State and filed a surety bond or certificate of deposit with the Secretary of State to provide any of the following services:

- (1) Probation services;
- (2) Pretrial supervised release programs;
- (3) Alternate sentencing programs; or
- (4) The collection and enforcement of delinquent fines and costs.

(b)(1) The amount of the surety bond or certificate of deposit shall be fifty thousand dollars (\$50,000).

(2) The city or county or any person suffering damage by reason of the acts or omissions of the person or an employee of the person in the performance of services subject to this section may bring action on the bond for damages.

(c) A person is ineligible to provide services subject to this section if the person or an owner, operator, or any stockholder has been convicted of a felony.

(d) For the purposes of this section, “person” means any individual, corporation, partnership, firm, association, or other business entity.

(e) A district court or city court may require a defendant to pay reasonable fees, in an amount to be established by the court, relating to private contractors providing probation services, pretrial supervised release programs, or alternate sentencing programs authorized by law.

(f)(1) Notwithstanding § 16-13-701 et seq., a private contractor may collect and retain only the fees established by the court for services provided pursuant to subsection (a) of this section.

(2)(A) When the order of the district court or city court requires a defendant to use the services or programs of a private contractor, the designated contractor shall report on or before the fifth day of each month all fees collected.

(B) The report shall be provided to the mayor and county judge of the political subdivision or subdivisions that contribute to the expenses of the district court or city court and to the district court clerk or city court clerk for inclusion in the court’s monthly report as required by law.

(3) The report of the private contractor, as required in this section, shall contain columns with the following information by defendant:

- (A) Uniform traffic ticket number;
- (B) Defendant's name;
- (C) Court docket number;
- (D) Receipt number;
- (E) Amount collected; and
- (F) Total of all fees collected.

(g) A private contractor providing the collection of delinquent fines and court costs shall follow the procedures in § 16-13-701 et seq.

(h) This section shall not apply to the alcohol treatment or education programs authorized by § 5-65-115 and § 5-65-307.

(i) This section shall not apply to a company whose service is limited to the acceptance of credit card payments for fines, fees, and costs and does not engage in affirmative acts of collection and enforcement of delinquent fines and costs.

History. Acts 1991, No. 447, § 1; 2001, No. 1809, § 3; 2003, No. 1185, §§ 116, 117; 2003, No. 1765, § 17; 2005, No. 2239, § 2; 2009, No. 782, § 3.

Amendments. The 2005 amendment rewrote (a); and added (e)-(h).

The 2009 amendment made a minor stylistic change in (c), and added (i).

Effective Dates. Acts 2003, No. 1185, § 117: Jan. 1, 2005, by its own terms.

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

16-17-128. [Repealed.]

Publisher's Notes. This section, concerning payment of fines by credit card, was repealed by Acts 2009, No. 633, § 11. Former § 16-17-128 was also amended by

Acts 2009, No. 782, § 1, which was subsequently subject to this repeal. The section was derived from Acts 1997, No. 864, § 1.

16-17-129. Levy to defray cost of incarcerating city and county prisoners.

(a)(1)(A) In addition to all fines now or as may hereafter be provided by law, the governing body of each town or city in which a district court is located may by ordinance levy and collect an additional fine not to exceed twenty dollars (\$20.00) from each defendant upon each conviction, each plea of guilty or nolo contendere, or each bond forfeiture in all cases in the first class of accounting records as described in § 16-17-707.

(B) Except as provided in subdivision (a)(1)(C) of this section, all sums collected from the additional fine described in subdivision (a)(1)(A) of this section shall be paid into the town or city treasury to be deposited into a fund to be used exclusively to help defray the cost of incarcerating town or city prisoners, including the construction and maintenance of the town or city jail and payments to other entities for incarcerating town or city prisoners.

(C) All sums collected from the additional fine described in subdivision (a)(1)(A) of this section in any district court that is funded solely by the county shall be paid into the county treasury to be

deposited into a fund to be used exclusively to help defray the cost of incarcerating county prisoners, including the construction and maintenance of the county jail.

(2)(A) In addition to all fines now or as may hereafter be provided by law, the governing body of each town or city in which a city court is located may by ordinance levy and collect an additional fine not to exceed twenty dollars (\$20.00) from each defendant upon each conviction, each plea of guilty or nolo contendere, or each bond forfeiture for any misdemeanor or traffic violation in the city court of the city or town.

(B) All sums collected from the additional fine described in subdivision (a)(2)(A) of this section shall be paid into the town or city treasury to be deposited into a fund to be used exclusively to help defray the cost of incarcerating town or city prisoners, including the construction and maintenance of the town or city jail and payments to other entities for incarcerating town or city prisoners.

(b)(1) In addition to all fines now or as may hereafter be provided by law, the quorum court of each county may by ordinance levy an additional fine not to exceed twenty dollars (\$20.00) to be collected from each defendant upon each conviction, each plea of guilty or nolo contendere, or each bond forfeiture in all cases in the first and second class of accounting records as described in § 16-17-707. A county ordinance enacted under this subdivision (b)(1) applies to all district courts in the county.

(2) All sums collected from the additional fine described in subdivision (b)(1) of this section as to cases in the first class shall be paid into the county treasury to be deposited into a fund to be used exclusively to help defray the cost of :

(A) The construction, maintenance, and operation of the city, county, or regional jail;

(B) Deferring the costs of incarcerating county prisoners held by a county, a city, or any entity;

(C) The transportation and incarceration of city or county prisoners;

(D) The purchase and maintenance of equipment for the city, county, or regional jail; and

(E) Training, salaries, and certificate pay for jail personnel.

(3) All sums collected from the additional fine described in subdivision (b)(1) of this section as to cases of the second class shall be paid into the county treasury to be deposited into a fund to be used exclusively to help defray the cost of:

(A) The construction, maintenance, and operation of the city, county, or regional jail;

(B) Deferring the costs of incarcerating county prisoners held by a county, a city, or any entity;

(C) The transportation and incarceration of city or county prisoners;

(D) The purchase and maintenance of equipment for the city, county, or regional jail; and

(E) Training, salaries, and certificate pay for jailers and deputy sheriffs.

(c)(1) In counties having a county regional detention facility, the additional fine levied by the county under this section shall be deposited into a special fund within the county treasury.

(2) The revenues generated by the additional fine shall be used exclusively for maintenance, operation, and capital expenditures of the regional detention facility.

(d) It is the intention of the General Assembly that the revenues derived from the additional fines levied under this section shall not offset or reduce funding from other sources for the maintenance, operation, and capital expenditures of the regional detention facilities.

(e)(1) The additional fine authorized in subsection (a) of this section shall apply to each charge, count, violation, or offense that a defendant pleads guilty or nolo contendere to, is found guilty of, or forfeits bond for, including each misdemeanor or traffic violation.

(2) The fine may be imposed:

(A) By all courts within a city of the first class, city of the second class, incorporated town, or county in this state that has by ordinance levied the fine; and

(B) In all cases classified as county cases or city cases.

History. Acts 1999, No. 1336, §§ 1, 2; 2003, No. 1185, § 118; 2003, No. 1188, § 1; 2005, No. 1373, § 1; 2007, No. 1417, §§ 1, 2; 2009, No. 209, § 2.

Amendments. The 2005 amendment added (e).

The 2007 amendment rewrote (a) and (b).

The 2009 amendment substituted “twenty dollars (\$20.00)” for “five dollars

“(\$5.00)” in (a)(1)(A), (a)(2)(A), and (b)(1); and in (b)(2), inserted “as to cases in the first class,” deleted “incarcerating county prisoners, including the construction and maintenance of the county jail” following “defray the cost of,” added (b)(2)(A) through (b)(2)(E), and made a related change.

CASE NOTES

Additional Fine.

This section did not authorize a county to collect an additional \$5 fine in city courts to help defray the expense of housing prisoners in the county detention center where the legislature’s clear intent

was to give a county the same authority to collect the fine in district court as a city’s authority to collect the fine in city court. *White County v. City of Judsonia*, 369 Ark. 151, 251 S.W.3d 275 (2007).

16-17-130. Single district judge to be elected countywide.

The judge of any district court located in a county with only one (1) district court shall hereafter be elected countywide.

History. Acts 1999, No. 1118, § 1.

16-17-131. Suspension of license for failure to appear.

(a) A person required to appear before a district court in this state, having been served with any form of notice to appear for any criminal offense, traffic violation, or misdemeanor charge, shall appear at the time and place designated in the notice.

(b)(1) If a person fails to appear as required in subsection (a) of this section, the presiding judge may suspend the person's driver's license.

(2) The license shall be suspended until the person appears and completes the sentence ordered by the court.

(3) After the person satisfies all requirements of the sentence, the Department of Finance and Administration shall assess the current fees for reinstatement of a driver's license.

History. Acts 2001, No. 1243, § 1; erally, § 16-17-132.
2003, No. 1185, § 119. Jurisdiction of circuit courts, Ark.

Cross References. District court gen- Const. Amend. 80, §§ 6, 19.

16-17-132. District court generally.

(a) All fines, penalties, and costs received by the district courts shall be collected and distributed in the manner provided by laws affecting the former municipal courts, unless and until the General Assembly establishes a new method of distribution.

(b) All salaries, retirement benefits, programs, and moneys of judges, clerks, and court employees of the former municipal courts will continue to be vested and paid to the judges, clerks, and court employees of the district courts, pending further acts of the General Assembly.

(c) A vacancy in a district court judgeship shall be filled in the same manner and subject to the same restrictions as for vacancies under Arkansas Constitution, Amendment 29.

History. Acts 2001, No. 1693, §§ 1, 2; **Effective Dates.** Acts 2003, No. 1185,
2003, No. 1185, § 120. § 120: Jan. 1, 2005, by its own terms.

Cross References. Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

16-17-133. Limitation of the incarceration of juvenile defendants in district courts.

(a)(1) District courts have jurisdiction of juvenile defendants for violation of local codes or ordinances, game and fish violations, and traffic offenses.

(2) Juveniles charged with these offenses are subject to the same penalties as adults unless otherwise provided in this section.

(b) A juvenile subject to the jurisdiction of a district court shall not be incarcerated unless the juvenile:

(1) Commits a second offense for which the court has jurisdiction within one (1) year of the first offense;

(2) Willfully violates probation; or

(3) Willfully fails to pay a fine or perform community service work or other sanction properly ordered by the court.

(c) As an alternative to incarceration on a first offense or otherwise, the district court may place a juvenile on residential detention, which may be supervised by electronic monitoring for up to thirty (30) days.

(d)(1) For a juvenile to be found in contempt for violating a court order, the order must have been in writing and served on the juvenile and the juvenile's parent or guardian.

(2) If a juvenile is found in contempt of court, the court may:

(A) Order that the juvenile be committed for a period not to exceed ten (10) days; or

(B) Place the juvenile on residential detention, which may be supervised by electronic monitoring for up to thirty (30) days.

(e)(1) Any juvenile incarcerated under this section shall be separated from individuals eighteen (18) years of age or older.

(2) Where space is available, a juvenile who pleads guilty or nolo contendere to, or is found guilty of, an offense under this section may be placed in a juvenile detention facility rather than in the county jail.

(3) Juveniles being detained on allegations of delinquency or who have been adjudicated delinquent shall have priority for juvenile detention beds over juveniles sentenced in district court.

(f)(1) A district court may also order the juvenile, the juvenile's parent, both parents, or the guardian of any juvenile punishable as provided for in this section to be liable for the cost of the incarceration or electronic monitoring.

(2) Prior to ordering payment, a district court shall take into account:

(A) The financial ability of the parent, both parents, or the guardian to pay for the detention or electronic monitoring;

(B) The past efforts of the parent, both parents, or the guardian to correct or prevent the juvenile's misconduct;

(C) If the parent is a noncustodial parent, the opportunity the parent has had to correct the delinquent juvenile's misconduct; and

(D) Any other factors the court deems relevant.

History. Acts 2001, No. 1807, § 1.

Jurisdiction of circuit courts, Ark.

Cross References. District court generally, § 16-17-132.

Const. Amend. 80, §§ 6, 19.

RESEARCH REFERENCES

U. Ark. Little Rock L. Rev. Survey of Legislation, 2001 Arkansas General As-

sembly, Practice, Procedure, and Courts, 24 U. Ark. Little Rock L. Rev. 523.

16-17-134. Change of venue from lower courts in certain counties to municipal court.

Notwithstanding §§ 16-17-218 [Repealed] and 16-19-409 or any other law to the contrary:

(1)(A) In any criminal case brought before any justice of the peace in any township, police court, city court, corporation court, or any court

of common pleas in a county with a population between eighty-nine thousand (89,000) persons and one hundred fifty-three thousand (153,000) persons according to the 2000 Federal Decennial Census and wherein a district court exists, the judge shall grant a change of venue to the district court, upon the defendant's motion, without the prepayment or tender of any fees.

(B) Upon filing the motion, the court shall have no further jurisdiction in the case, except for the purpose of preparing a transcript for the district court;

(2) In the event of any change of venue from a justice of the peace, police court, city court, corporation court, or any court of common pleas to a district court in a county with a population between eighty-nine thousand (89,000) persons and one hundred fifty-three thousand (153,000) persons according to the 2000 Federal Decennial Census and wherein more than one (1) district court exists, the case shall be transferred to the district court geographically nearest in the county; and

(3) In no event shall any change of venue lie from any district court in a county with a population between eighty-nine thousand (89,000) persons and one hundred fifty-three thousand (153,000) persons according to the 2000 Federal Decennial Census to any justice of the peace, police court, city court, corporation court, or court of common pleas in criminal cases.

History. Acts 2003, No. 673, § 1.

Jurisdiction of circuit courts, Ark.

Cross References. District court generally, § 16-17-132.

Const. Amend. 80, §§ 6, 19.

16-17-135. Counties authorized to employ and compensate district court judges as criminal magistrates.

(a)(1) A county may employ one (1) or more district court judges to act as criminal magistrates in accordance with the provisions of Rule 1.8(a) of the Arkansas Rules of Criminal Procedure or in accordance with per curiam orders issued by the Arkansas Supreme Court.

(2) A district court judge acting as a criminal magistrate may be authorized to perform any of the duties described in Rule 1.8(b) of the Arkansas Rules of Criminal Procedure.

(b) A county with a population of more than one hundred thousand (100,000) persons may compensate a district court judge acting as a criminal magistrate in excess of his or her salary as a district court judge in an annual amount not to exceed fifty percent (50%) of the district court judge's maximum annual salary as set forth in § 16-17-108.

(c) A county, city, or town that contributes to the salary of a district judge may treat the increased payment for magistrate duties as salary to be calculated for purposes of the Arkansas Public Employees' Retirement System, § 24-4-101 et seq.

(d) The compensation for a district court judge acting as a criminal magistrate for a circuit court judge shall be set by the county quorum court by ordinance and may be paid by the county from the county administration of justice fund or the county general fund as appropriated by ordinance.

History. Acts 2005, No. 1938, § 1; 2007, No. 177, § 4.

Amendments. The 2007 amendment substituted “the Arkansas Public Employ-

ees’ Retirement System” for “the Arkansas District Judge Retirement System, § 24-8-801 et seq.” in (c).

16-17-136. Waiver of appearance and entry of plea to traffic violations in district court and city court.

Notwithstanding any rule of criminal procedure to the contrary:

(1) A person who is charged in district court or city court with committing an offense, excluding a violation of the Omnibus DWI Act, § 5-65-101 et seq., or the Underage DUI Law, § 5-65-301 et seq., or any other offense for which a court appearance is mandatory, may waive appearance and trial and plead guilty or nolo contendere by a signed statement;

(2)(A) With the signed statement, the person shall pay the fine and court costs in an amount as established by the district court or city court within the limits prescribed by law.

(B) Fines and court costs shall be paid to the county or city official, agency, or department designated under § 16-13-709 as primarily responsible for the collection of fines assessed in the district courts and city courts of this state; and

(3) The court shall accept the signed statement accompanied by the fine and court costs assessed as a plea of guilty or nolo contendere and shall proceed accordingly.

History. Acts 2005, No. 1934, § 25; 2009, No. 633, § 12.

Amendments. The 2009 amendment, in (1), substituted “an offense” for “a traffic offense that is a violation under state law or local ordinance,” and substituted

“or any other offense for which a court appearance is mandatory” for “and in which the only sentence available is a monetary fine and court costs,” and made a minor stylistic change.

SUBCHAPTER 2 — ESTABLISHMENT IN CITIES OF 2,400 OR MORE AND COUNTY SEAT TOWNS OF LESS THAN 2,400

SECTION.

16-17-201. [Repealed.]

16-17-202. [Repealed.]

16-17-203 — 16-17-207. [Repealed.]

16-17-208. [Repealed.]

16-17-209. Qualifications of district judge
— Term.

16-17-210. Special judges.

SECTION.

16-17-211. District court clerks generally.

16-17-212. Fees and costs generally.

16-17-213. [Repealed.]

16-17-214. Collection of fines in district
court — Reports to mayor.

16-17-215. [Repealed.]

16-17-216. [Repealed.]

SECTION.

16-17-217 — 16-17-220. [Repealed.]
 16-17-221. Improper use of process —
 Granting privileges —
 Failure to report or pay
 over fines — Penalty.

SECTION.

16-17-222. Fees of prosecuting attorney.
 16-17-223. [Repealed.]
 16-17-224. Manner of service of summons
 and other process.

Effective Dates. Acts 1927, No. 60, § 27: approved Feb. 28, 1927. Emergency clause provided: "This act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist for the reason that in cities falling within the provisions of this act, there now exists much litigation which is being handled in justice of peace courts which are unable to try the civil and criminal cases coming before them in such a manner as to render justice, and make possible an efficient enforcement of the law. It is therefore declared that this act shall take effect and be in force from and after its passage."

Acts 1929, No. 224, § 4: approved Mar. 27, 1929. Emergency clause provided: "It appearing that in certain communities there are irregularities in inferior courts which this act is intended to correct, an emergency is declared and this act shall be in force from and after its passage."

Acts 1935, No. 187, § 3: Mar. 26, 1935; Acts 1939, No. 93, § 3: Feb. 15, 1939. Emergency clauses provided: "It being ascertained and hereby declared that in certain cities subject to the provisions of this act there are great irregularities in the inferior courts as now constituted; that great injustice is being suffered by litigants and unnecessary expense is being incurred; that severe financial losses are being suffered by both litigants and the communities in which such courts would be located because of the unsystematic and disorderly administration of justice by the courts now constituted, and that immediate operation of this act is essential for the preservation of the public peace, health and safety; and an emergency is therefore declared to exist, and this act shall take effect and be in full force from and after its passage and approval."

Acts 1941, No. 280, § 2: approved Mar. 26, 1941. Emergency clause provided: "This act being necessary for the immedi-

ate preservation of property, public health and safety, an emergency is hereby declared to exist and the same shall be in full force and effect from and after its passage."

Acts 1949, No. 210, § 2: effective on passage.

Acts 1951, No. 63, § 4: Feb. 9, 1951. Emergency clause provided: "This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is hereby declared to exist for the reason that there are irregularities, needless delays and injustices being suffered by litigants in inferior courts in cities subject to this Act. This Act shall take effect from and after its passage and approval."

Acts 1951, No. 280, § 2: Mar. 19, 1951. Emergency clause provided: "It is hereby ascertained that other county and city officials have, since the passage of Act No. 60 of 1927 secured increases in their salaries and that municipal clerks covered by said Act No. 60 of 1927 have had no increase in salary and due to the increased volume of work placed upon municipal clerks covered by said Act No. 60 and increased costs of living generally and for the better and more efficient operation of the office of municipal clerks covered by said act an emergency is hereby declared to exist, and this act being necessary for the immediate preservation of the public peace, health, and safety, shall take effect and be enforced from and after its passage and approval."

Acts 1955, No. 160, § 3: effective 90 days after approval.

Acts 1961, No. 39, § 2: Feb. 6, 1961. Emergency clause provided: "It is hereby found and declared by the General Assembly that under existing law, municipal judges in certain cities having a city manager form of government, are elected at city election held in odd numbered years; that in such cities the only reason for holding odd year city elections is to elect a

municipal judge; that immediate provision should be made to authorize the election of municipal judges in such cities at the regular biennial general election held in even numbered years and thereby remove the necessity for holding the odd year city elections in such cities. Therefore, an emergency is declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in effect from and after the date of its passage and approval."

Acts 1963, No. 57, § 2: Feb. 15, 1963; Acts 1963, No. 175, § 2: Mar. 7, 1963; Acts 1975, No. 873, § 2: Apr. 4, 1975. Emergency clauses provided: "It has been found and is declared by the General Assembly that because of the increased volume of work placed on the municipal court clerks and the increase in the cost of living in general, it is extremely difficult to secure the services of qualified persons as municipal court clerks; that such condition jeopardizes the administration of justice; that enactment of this measure will provide the needed remedy. Therefore an emergency is declared to exist, and this act, being necessary for the preservation of the public peace, health, and safety, shall take effect and be in force from the date of its approval."

Acts 1968 (1st Ex. Sess.), No. 38, § 3: Feb. 20, 1968. Emergency clause provided: "It is hereby found and declared by the General Assembly that under existing law the procedures for the election of Municipal Judges in Cities having the City Manager form of government is not clear, and that immediate provisions should be made to clarify such procedures so as to authorize the election of Municipal Judges in such cities at the regular biennial General Election, upon petition as is provided for the nomination of candidates for Boards of Directors. Therefore, an emergency is declared to exist and this Act being necessary for the preservation of the public peace, health and safety, the same shall be in force and effect from and after the date of its passage and approval."

Acts 1979, No. 913, § 3: Apr. 16, 1979. Emergency clause provided: "It is hereby

found and determined by the General Assembly that the inability to serve process by mail in civil cases pending in municipal courts is unfair and unreasonably costly and that this Act is necessary to cure such inequity. Therefore, an emergency is hereby declared to exist and this Act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1987, No. 431, § 10: July 1, 1987. Emergency clause provided: "It is hereby found and determined by the General Assembly that Amendment 64 has an effective date of July 1, 1987, that the smooth implementation of the Amendment requires that this law be enacted; that should the General Assembly extend the session beyond the sixtieth day, there exists a danger that this law would not be in effect on July 1, 1987; therefore, this act shall be effective July 1, 1987."

Acts 1989, No. 142, § 4: Feb. 21, 1989. Emergency clause provided: "It is hereby found and determined by the General Assembly that uncertainty in the area of municipal court jurisdiction interferes with the administration of the criminal justice system of this state, and that this act should go into effect immediately upon passage to clarify the law in this area. Therefore, an emergency is hereby declared to exist and this act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

Acts 1991, No. 904, § 28: Mar. 29, 1991. Emergency clause provided: "It is hereby found and determined by the General Assembly that the language of certain court cost statutes lacks uniformity; that such lack of uniformity is detrimental to the proper collection of such court costs; and that such language should be standardized to promote the proper collection of such costs. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval."

16-17-201. [Repealed.]

Publisher's Notes. Acts 1929, No. 224, § 3, provided that the act should only apply to courts established or to be established under Acts 1927, No. 60.

This section, concerning applicability of this subchapter, was repealed by Acts

2003, No. 1185, § 121, effective January 1, 2005. The section was derived from Acts 1927, No. 60, § 1; 1929, No. 224, § 1; 1935, No. 187, § 1; Pope's Dig., § 9897; Acts 1939, No. 93, § 1; 1951, No. 63, § 1; 1953, No. 313, § 1; A.S.A. 1947, § 22-701.

CASE NOTES

Cited: Lee v. Watts, 243 Ark. 957, 423 S.W.2d 557 (1968); Littleton v. Blanton, 281 Ark. 395, 665 S.W.2d 239 (1984).

16-17-202. [Repealed.]

Publisher's Notes. This section, concerning construction with police court laws and justice of the peace laws, was repealed by Acts 1987, No. 431, § 8. The

section was derived from Acts 1927, No. 60, § 8; Pope's Dig., § 9904; A.S.A. 1947, § 22-708.

16-17-203 — 16-17-207. [Repealed.]

Publisher's Notes. These sections, concerning with other laws, the creation of district courts, the name and seal of district courts and the abolishment of police courts, the jurisdiction of district courts, and number of judges and their term, was repealed by Acts 2003, No. 1185, § 123, effective January 1, 2005. These sections were derived from the following sources:

16-17-203. Acts 1927, No. 60, § 26; Pope's Dig., § 9922; A.S.A. 1947, § 22-731; Acts 2003, No. 1185, §§ 122, 123.

16-17-204. Acts 1927, No. 60, § 1; 1929, No. 224, § 1; 1935, No. 187, § 1; Pope's Dig., § 9897; Acts 1939, No. 93, § 1; 1951, No. 63, § 1; 1953, No. 313, § 1; A.S.A.

1947, § 22-701; Acts 2003, No. 1185, §§ 122, 123.

16-17-205. Acts 1927, No. 60, § 2; Pope's Dig., § 9898; A.S.A. 1947, § 22-702; Acts 2003, No. 1185, §§ 122, 123.

16-17-206. Acts 1927, No. 60, §§ 9, 11; 1929, No. 224, § 2; Pope's Dig., §§ 9905, 9907; Acts 1955, No. 160, § 1; A.S.A. 1947, §§ 22-709, 22-710, 22-712; Acts 1987, No. 431, § 8; 1989, No. 142, § 1; 1995, No. 1296, § 60; 2003, No. 1185, §§ 122, 123.

16-17-207. Acts 1927, No. 60, § 3; 1935, No. 187, § 2; Pope's Dig., § 9899; Acts 1939, No. 93, § 2; 1951, No. 63, § 2; A.S.A. 1947, § 22-703; Acts 2003, No. 1185, §§ 122, 123.

16-17-208. [Repealed.]

Publisher's Notes. This section, concerning election of judges in cities having city manager form of government, was repealed by Acts 2003, No. 1185, § 124.

The section was derived from Acts 1961, No. 39, § 1; 1968 (1st Ex. Sess.), No. 38, § 1.

16-17-209. Qualifications of district judge — Term.

(a) District judges shall be qualified electors within the geographical area from which they are chosen and shall have been licensed attorneys of this state for at least four (4) years immediately preceding the date of assuming office.

(b) District judges shall serve four-year terms.

History. Acts 1927, No. 60 § 4; Pope's Dig., § 9900; Acts 1949, No. 210, § 1; 1951, No. 63, § 3; 1951, No. 254, § 1; 1953, No. 313, § 2; A.S.A. 1947, § 22-704; Acts 2003, No. 1185, §§ 125, 126.

Cross References. District court gen-

erally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

Effective Dates. Acts 2003, No. 1185, § 126: Jan. 1, 2005, by its own terms.

CASE NOTES

ANALYSIS

Constitutionality.

Salary Increase.

Taxpayer Suit.

Constitutionality.

The imposition of part of the expenses of municipal courts on the counties in which they are established is not violative of constitutional provisions vesting county courts with original jurisdiction in all matters relating to county affairs. *Crawford County v. Van Buren*, 201 Ark. 798, 146 S.W.2d 914 (1941).

This section does not violate the Constitution on the ground that it constitutes an encroachment by the legislature on the city in the matter of finances, since section does not impose court on any city, but merely sets minimum salary for municipal court established by the city. *Stuttgart v. Elms*, 220 Ark. 722, 249 S.W.2d 829 (1952).

Salary Increase.

Municipal judge was not estopped from recovering increased salary voted by leg-

islature on the ground that he had agreed to take an increase in a less amount than that provided by the legislature, since contract was not binding in law. *Stuttgart v. Elms*, 220 Ark. 722, 249 S.W.2d 829 (1952).

Taxpayer Suit.

A resident taxpayer of a city is the equitable owner of public funds and is the proper party to bring suit to enjoin and collect the illegal payment of public funds to a person acting as municipal judge. *Revis v. Harris*, 217 Ark. 25, 228 S.W.2d 624 (1950).

Cited: *Logan v. Harris*, 213 Ark. 37, 210 S.W.2d 301 (1948); *Russell v. Miller*, 253 Ark. 583, 487 S.W.2d 617 (1972); *Littleton v. Blanton*, 281 Ark. 395, 665 S.W.2d 239 (1984); *Lawson v. City of Mammoth Spring ex rel. Smith*, 287 Ark. 12, 696 S.W.2d 712 (1985); *Beshear v. Clark*, 292 Ark. 47, 728 S.W.2d 165 (1987); *State ex rel. Robinson v. Craighead County Bd. of Election Comm'rs*, 300 Ark. 405, 779 S.W.2d 169 (1989).

16-17-210. Special judges.

(a) If a district judge is disqualified or temporarily unable to serve, or if the Chief Justice of the Supreme Court shall determine that there is other need for a special judge to be temporarily appointed, a special judge may be assigned by the Chief Justice or elected by the bar of the district court, under rules prescribed by the Supreme Court, to serve during the period of temporary disqualification, absence, or need.

(b) A special judge shall have the same power and authority in the court as the regular district judge would have if present and presiding and shall have the same qualifications as are required by law for the regular district judge.

(c) A special judge assigned or elected under this section shall receive compensation for his or her service as provided by law.

History. Acts 1927, No. 60, § 5; Pope's Dig., § 9901; Acts 1973, No. 165, § 1; A.S.A. 1947, § 22-705; Acts 2003, No. 1185, §§ 125, 126.

Cross References. District court gen-

erally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

Effective Dates. Acts 2003, No. 1185, § 126: Jan. 1, 2005, by its own terms.

CASE NOTES

Substantial Compliance.

Special judge called at the suggestion of defendant's attorney after the clerk stated that regular judge was out of the city, where prosecuting attorney and defendant's attorney were the only attorneys

present, was selected in substantial compliance with this section. *Freeman v. Allen*, 193 Ark. 432, 100 S.W.2d 679 (1937).

Cited: *Littleton v. Blanton*, 281 Ark. 395, 665 S.W.2d 239 (1984).

16-17-211. District court clerks generally.

(a) The judge of any district court may appoint a clerk for the court, who shall be designated and known as the district court clerk.

(b) The city council of the city in which the court is located shall fix the salary of the district court clerk at a reasonable sum, the salary to be computed on an annual basis and payable in equal monthly installments. However, where the county in which the court is located is to pay any portion of the clerk's salary, the salary must also be approved by the quorum court of that county. Further, if the expenses and salaries of any district court are paid entirely by the county in which the court is located, the salary of the clerk shall be fixed by the quorum court of the county and not by the city council.

(c) The district court clerk shall keep a fair record of all the acts done and proceedings had in the court and shall enter all judgments of the court, under the direction of the judge.

(d) The district court clerk shall:

(1) Administer oaths, including special judges of district court under § 16-17-210;

(2) Take affidavits required or permitted in the progress of the action;

(3) Keep a complete docket of all proceedings to the extent and in the manner directed by the judge;

(4) Seasonably record the judgments, rules, orders, and other civil or criminal proceedings of the court and keep an alphabetical index thereof;

(5) Keep such other dockets, books, and indices as may be required by law or by the judge; and

(6) Issue and attest all process.

(e) The district court clerk shall render for each month, not later than the tenth day of the succeeding month, reports in triplicate of all civil and criminal cases tried. These reports shall show all fines, penalties, forfeitures, fees, and costs taxed, assessed, and collected during the month and also show the nature of each case. One (1) copy of such report is to be forwarded or delivered to the mayor of the city and one (1) copy to the clerk of the county court.

(f) Where the duties of the office of district court clerk do not require a full-time employee, the city council may require that the duties of the clerk be performed by any other officer of the city.

History. Acts 1927, No. 60, § 12; Pope's Dig., § 9908; Acts 1951, No. 280, § 1; 1953, No. 313, § 3; 1963, No. 57, § 1; 1963, No. 175, § 1; 1975, No. 873, § 1; 1981, No. 74, § 1; A.S.A. 1947, § 22-713; Acts 1995, No. 555, § 1; 2003, No. 1185, § 125; 2003, No. 1765, § 18; 2009, No. 633, § 13.

A.C.R.C. Notes. The operation of subsection (f) of this section was suspended by adoption of a self-insured fidelity bond program for public officers, officials and employees, effective July 20, 1987, pursuant to § 21-2-701 et seq. The subsection may again become effective upon cessation of coverage under that program. See § 21-2-703.

Pursuant to § 1-2-207, subdivision (d)(8) was deleted by Acts 2003, No. 1765, § 18. This subdivision was also amended by Acts 2003, No. 1185, § 125, to read as follows: "Tax and collect fees and costs allowed by law."

Amendments. The 2009 amendment inserted "including special judges of district court under § 16-17-210" in (d)(1); deleted (d)(3); and made a related change.

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

Salaries of personnel and other requirements of municipal courts, § 16-17-108.

CASE NOTES

Administration of Oaths.

Although a municipal court clerk can administer oaths under this section, § 21-2-105(a)(3) dictates that a municipal judge can only receive his oath of office from certain designated persons, who do not include a municipal court clerk. City

of Crossett v. Switzer, 302 Ark. 239, 788 S.W.2d 738 (1990).

Cited: Lawson v. City of Mammoth Spring ex rel. Smith, 287 Ark. 12, 696 S.W.2d 712 (1985); Williams v. Butler, 802 F.2d 296 (8th Cir. 1986).

16-17-212. Fees and costs generally.

(a) The only fees and costs that shall be allowed in civil and criminal suits, prosecutions, and proceedings in district court are those specifically authorized by statute.

(b) Nothing in this section or subchapter shall be construed as authorizing the collection by the prosecuting attorney or his or her deputies, the clerks of the district court, or the sheriff and constable or their deputies, of any costs or fees from the county in the trial of misdemeanors.

(c) Constables and deputies shall be allowed only those fees and costs specifically authorized by statute.

History. Acts 1927, No. 60, § 6; Pope's Dig., § 9902; A.S.A. 1947, § 22-706; Acts 1991, No. 904, § 18; 2003, No. 1185, § 125.

Publisher's Notes. Acts 1991, No. 904, § 22, provided: "It is hereby found that the passage of many court cost bills over several legislative sessions has caused confusion in the collection of such costs and that reasonable people can interpret

the varying language of such court costs statutes differently. This legislation is necessary to standardize the language of such court cost statutes to provide that such costs are collected in a uniform manner statewide."

Acts 1991, No. 904, § 23, provided: "This act is hereby declared to be remedial in nature and is to be liberally construed to effect its purpose."

Acts 1991, No. 904, § 24, provided: “Nothing herein shall prohibit courts from assessing reasonable probation fees.”

Cross References. District court gen-

erally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

16-17-213. [Repealed.]

Publisher’s Notes. This section has been deemed superseded by AICR 9 (now ADCR 9). See *Hawkins v. City of Prairie Grove*, 316 Ark. 150, 357 S.W. 2d 871 (1994).

This section, concerning filing appeal transcripts, was repealed by Acts 2003,

No. 1185, § 127. The section was derived from Acts 1927, No. 60, § 7; Pope’s Dig., § 9903; Acts 1939, No. 323, § 1; 1941, No. 280, § 1; 1953, No. 203, § 1; A.S.A. 1947, §§ 22-707, 26-1307; Acts 1987, No. 431, § 8.

16-17-214. Collection of fines in district court — Reports to mayor.

(a) The county or city official, agency, or department designated under § 16-13-709 as primarily responsible for the collection of fines assessed in district courts shall pay over to the district court clerk by the fifth working day of each month all sums collected.

(b) The county or city official, agency, or department designated under § 16-13-709 shall render to the governing body or, if applicable, each governing body of a political subdivision that contributes to the expenses of a district court for each month, a report under oath of all fines, penalties, forfeitures, fees, and costs collected during the month and attach to the report receipts of the district court clerk for all sums collected during the period.

History. Acts 1927, No. 60, § 13; Pope’s Dig., § 9909; A.S.A. 1947, § 22-714; Acts 2003, No. 1185, § 128; 2003, No. 1765, § 19; 2005, No. 1934, § 11.

Amendments. The 2005 amendment, in (a), deleted “shall collect all fines, penalties, forfeitures, fees, and costs assessed in district court and” preceding “shall pay over” and substituted “by the fifth working day of each month” for “daily”; and, in (b), substituted “governing body or, if ap-

plicable, each governing body of a political subdivision that contributes to the expenses of a district court” for “mayor” and deleted “giving the title of the cause and the arresting officer” preceding “and attaching.”

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

16-17-215. [Repealed.]

Publisher’s Notes. This section concerning the return of fines and costs by sheriff and constables, was repealed by Acts 2003, No. 1765, § 20. The section

was derived from the following source: Acts 1927, No. 60, § 14; Pope’s Dig., § 9910; A.S.A. 1947, § 22-715.

16-17-216. [Repealed.]

Publisher’s Notes. This section, concerning maintenance of separate accounts of fines and costs by clerk — settlement of

accounts by municipal court and county court, was repealed by Acts 1987, No. 431, § 8. The section was derived from Acts

1927, No. 60, § 15; Pope's Dig., § 9911; Acts 1957, No. 218, § 1; A.S.A. 1947, § 22-719.

16-17-217 — 16-17-220. [Repealed.]

A.C.R.C. Notes. Former § 16-17-218, concerning change of venue from justice of the peace to municipal court, is deemed to be superseded by this section. The former section was derived from Acts 1927, No. 60, § 21; Pope's Dig., § 9917; Acts 1961, No. 178, § 1; A.S.A. 1947, § 22-725.

Publisher's Notes. Acts 1927, No. 60, § 17, is also codified as § 16-19-401.

Acts 1989 (3rd Ex. Sess.), No. 55, § 1, is also codified as § 16-19-409.

These sections, concerning jurisdiction of justices of the peace in townships having a municipal court, change of venue from justice of the peace to municipal court, additional compensation of justices of the peace in townships having a municipal court, and filing of reports of fees and

costs by justice of the peace, were repealed by Acts 2003, No. 1185, § 129. The sections were derived from the following sources:

16-17-217. Acts 1927, No. 60, § 17; Pope's Dig., § 9913; A.S.A. 1947, § 22-724.

16-17-218. Acts 1989 (3rd Ex. Sess.), No. 55, § 1.

16-17-219. Acts 1927, No. 60, § 18; Pope's Dig., § 9914; A.S.A. 1947, § 22-726.

16-17-220. Acts 1927, No. 60, § 22; Pope's Dig., § 9918; A.S.A. 1947, § 22-727.

Cross References. Improper venue of action, § 16-19-408.

16-17-221. Improper use of process — Granting privileges — Failure to report or pay over fines — Penalty.

(a) Any district judge who makes use, directly or indirectly, of the process of his or her own court, either as a party litigant or in interest or as an attorney or agent for any party litigant or in interest, or who offers or gives by way of remission of fees or otherwise any pecuniary inducements to the institution or maintenance of any suits, prosecutions, or proceedings in his or her court and any sheriff, constable, police chief, or district court clerk who fails to report or pay over fines, penalties, forfeitures, fees, or costs collected by him or her shall be guilty of a violation and upon conviction for each of such offenses shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500).

(b) A conviction under this section shall work a forfeiture of office.

(c) Notwithstanding any other provision of this section, sheriffs and constables may retain the fees and costs due them out of each cause.

History. Acts 1927, No. 60, § 23; Pope's Dig., § 9919; A.S.A. 1947, § 22-728; Acts 2003, No. 1185, § 130; 2005, No. 1994, § 81.

Publisher's Notes. Acts 1927, No. 60, § 23, is also codified as § 16-19-412.

Amendments. The 2005 amendment substituted "violation" for "misdemeanor" in present (a).

16-17-222. Fees of prosecuting attorney.

The prosecuting attorney or his or her deputies shall receive the same fees for prosecuting cases in the district court as they are allowed by law for the prosecution of misdemeanors in the circuit courts.

History. Acts 1927, No. 60, § 24; Pope's Dig., § 9920; A.S.A. 1947, § 22-729; Acts 2003, No. 1185, § 131.

Cross References. District court gen-

erally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

16-17-223. [Repealed.]

Publisher's Notes. This section, concerning the power of the court to issue process, was repealed by Acts 1987, No.

431, § 8. The section was derived from Acts 1927, No. 60, § 10; Pope's Dig., § 9906; A.S.A. 1947, § 22-711.

16-17-224. Manner of service of summons and other process.

(a) All summons and other process in any civil cause pending in any district court shall be served in accordance with rules promulgated by the Supreme Court.

(b) Where an arrest for a violation of state law committed within the township wherein the court sits is made upon a warrant filed by the prosecuting attorney or his or her deputy, such warrant to arrest shall be directed to the constable of the township or the sheriff of the county wherein the court sits. Where a warrant for arrest is issued for a violation of state law committed outside the township wherein the court sits but in a county subject to this subchapter, upon an information filed by the prosecuting attorney or his or her deputy, the warrant of arrest shall be directed to the sheriff of the county, and all other process in the proceeding shall be directed to the sheriff. However, any sheriff or constable of any township in a county subject to this subchapter may arrest an offender for a violation of any state law committed anywhere in the county and may bring the offender before the district court for trial, and that officer shall serve all process in the cause.

(c) The chief of police and his or her assistants shall serve all process for violations of city ordinances of the city wherein the district court sits and shall serve all criminal process for violations of state laws inside the city limits of a city subject to this subchapter, where the arrest is made by a police officer of the city or the information is filed by the city attorney of the city.

History. Acts 1927, No. 60, § 25; Pope's Dig., § 9921; Acts 1953, No. 346, § 1; 1979, No. 913, § 1; A.S.A. 1947, §§ 22-730, 22-730.1; Acts 2003, No. 1185, § 132.

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

SUBCHAPTER 3 — COUNTY SEAT DISTRICT COURT ACT

SECTION.

16-17-301. [Repealed.]

16-17-302. [Repealed.]

16-17-303. [Repealed.]

SECTION.

16-17-304. [Repealed.]

16-17-305. [Repealed.]

16-17-301. [Repealed.]

Publisher's Notes. This section, concerning providing for the use and benefit of cities of the second class was repealed by Acts 2003, No. 1185, § 134, effective

January 1, 2005. The section was derived from Acts 1947, No. 128, § 7; A.S.A. 1947, § 22-738; Acts 2003, No. 1185, §§ 133, 134.

16-17-302. [Repealed.]

Publisher's Notes. This section, concerning governing the courts created and established pursuant to this subchapter, was repealed by Acts 2003, No. 1185,

§ 135, effective January 1, 2005. The section was derived from Acts 1947, No. 128, §§ 3-5; A.S.A. 1947, §§ 22-734 — 22-736.

16-17-303. [Repealed.]

Publisher's Notes. This section, concerning the establishment of district courts in county seat towns becoming cities of second class, was repealed by Acts

2003, No. 1185, § 137, effective January 1, 2005. The section was derived from Acts 1947, No. 128, § 1; A.S.A. 1947, § 22-732; Acts 2003, No. 1185, §§ 136, 137.

16-17-304. [Repealed.]

Publisher's Notes. This section concerning, the city recorder and compensation, was repealed by Acts 2003, No. 1185, § 139, effective January 1, 2005. The sec-

tion was derived from Acts 1947, No. 128, § 2; A.S.A. 1947, § 22-733; Acts 2003, No. 1185, §§ 138, 139.

16-17-305. [Repealed.]

Publisher's Notes. This section, concerning jury trials, was repealed by Acts 2003, No. 1185, § 141, effective January

1, 2005. The section was derived from Acts 1947, No. 128, § 6; A.S.A. 1947, § 22-737; Acts 2003, No. 1185, §§ 140, 141.

SUBCHAPTER 4 — ESTABLISHMENT IN CITIES OF FIRST AND SECOND CLASS AND INCORPORATED TOWNS

SECTION.

16-17-401 — 16-17-403. [Repealed.]

16-17-401 — 16-17-403. [Repealed.]

Publisher's Notes. These sections, concerning the qualifications, election and compensation of judges, the establishment of district courts by two or more

cities or incorporated towns within the same county, and the election of a presiding judge where two or more cities establish a district court was repealed by Acts

2003, No. 1185, § 143, effective January 1, 2005. These sections were derived from the following sources:

16-17-401. Acts 1973, No. 240, § 1; A.S.A. 1947, § 22-755; Acts 2003, No. 1185, §§ 142, 143.

16-17-402. Acts 1973, No. 240, § 2; A.S.A. 1947, § 22-756; Acts 1989, No. 878,

§ 1; 1991, No. 904, §§ 8, 20; 1995, No. 1256, § 20; 1995 (Ex. Sess.), No. 13, § 4; 2003, No. 1185, §§ 142, 143.

16-17-403. Acts 1973, No. 240, § 3; 1977, No. 780, § 1; A.S.A. 1947, § 22-757; Acts 1999, No. 1354, § 1; 2003, No. 1185, §§ 142, 143.

SUBCHAPTER 5 — ESTABLISHMENT IN CITIES OF LESS THAN 2,400 POPULATION

SECTION.

16-17-501 — 16-17-503. [Repealed.]

16-17-501 — 16-17-503. [Repealed.]

Publisher's Notes. These sections, concerning permission for cities with populations under 3,000 to create a district court, the jurisdiction and powers of district courts, and the manner of selection and qualifications of district court judges and court expenses was repealed by Acts 2003, No. 1185, § 145, effective January 1, 2005. These sections were derived from the following sources:

16-17-501. Acts 1985, No. 251, § 1; A.S.A. 1947, § 22-767; Acts 1995, No. 338, § 1; 1995, No. 1015, § 1; 2003, No. 1185, §§ 144, 145.

16-17-502. Acts 1985, No. 251, § 2; A.S.A. 1947, § 22-768; Acts 2003, No. 1185, §§ 144, 145.

16-17-503. Acts 1985, No. 251, § 3; A.S.A. 1947, § 22-769; Acts 2003, No. 1185, §§ 144, 145.

SUBCHAPTER 6 — SMALL CLAIMS PROCEDURE

SECTION.

16-17-601. [Repealed.]

16-17-602. [Repealed.]

16-17-603. [Repealed.]

16-17-604, 16-17-605. [Repealed.]

16-17-606. [Repealed.]

16-17-607. [Repealed.]

SECTION.

16-17-608 — 16-17-610. [Repealed.]

16-17-611. [Repealed.]

16-17-612. [Repealed.]

16-17-613. [Repealed.]

16-17-614. [Repealed.]

16-17-601. [Repealed.]

Publisher's Notes. This section, concerning title, was repealed by Acts 2003, No. 1185, § 146, effective January 1,

2005. The section was derived from Acts 1977, No. 725, § 1; A.S.A. 1947, § 22-758.

16-17-602. [Repealed.]

Publisher's Notes. This section, concerning small claims division to be established in district courts, was repealed by Acts 2003, No. 1185, § 148, January 1,

2005. The section was derived from Acts 1977, No. 725, § 2; A.S.A. 1947, § 22-758.1; Acts 1987, No. 430, § 1; 1997, No. 746, § 2; 2003, No. 1185, §§ 147, 148.

16-17-603. [Repealed.]

A.C.R.C. Notes. Pursuant to § 1-2-207, the amendment to this section by Acts 2003, No. 1765, § 21, was superseded by the repeal of this section by Acts 2003, No. 1185, § 149.

Publisher's Notes. This section, con-

cerning referees, appointment, qualifications, and compensation, was repealed by Acts 2003, No. 1185, § 149. The section was derived from Acts 1977, No. 725, § 2; A.S.A. 1947, § 22-758.1; Acts 1987, No. 430, § 1; 1999, No. 1081, § 8.

16-17-604, 16-17-605. [Repealed.]

Publisher's Notes. These sections, concerning entities restricted from bringing actions and actions by and against corporations, were repealed by Acts 2003, No. 1185, § 150, effective January 1, 2005. The sections were derived from the following sources:

16-17-604. Acts 1977, No. 725, § 3; A.S.A. 1947, § 22-758.2.

16-17-605. Acts 1979, No. 905, § 1; 1983, No. 314, § 1; A.S.A. 1947, § 22-758.16; Acts 1987, No. 430, § 12; 1988 (3rd Ex. Sess.), No. 29, § 1; 1997, No. 694, § 1.

16-17-606. [Repealed.]

Publisher's Notes. This section, concerning venue of civil actions, was repealed by Acts 2003, No. 1185, § 151,

effective January 1, 2005. The section was derived from Acts 1977, No. 725, § 4; A.S.A. 1947, § 22-758.3.

16-17-607. [Repealed.]

Publisher's Notes. This section, concerning commencement of action, form of claim and notice to defendant, was repealed by Acts 2003, No. 1185, § 153, effective January 1, 2005. The section was

derived from Acts 1977, No. 725, § 5; 1983, No. 280, § 1; A.S.A. 1947, § 22-758.4; Acts 1987, No. 430, § 2; 2003, No. 1185, §§ 152, 153.

16-17-608 — 16-17-610. [Repealed.]

Publisher's Notes. These sections, concerning preparation of claim form, service of process, and answer by defendant, were repealed by Acts 2003, No. 1185, § 154, effective January 1, 2005. These sections were derived from the following sources:

16-17-608. Acts 1977, No. 725, §§ 6, 7,

8; A.S.A. 1947, §§ 22-758.5, 22-758.6, 22-758.7; Acts 1987, No. 430, §§ 3-5.

16-17-609. Acts 1977, No. 725, § 7; A.S.A. 1947, § 22-758.6; Acts 1987, No. 430, § 4.

16-17-610. Acts 1977, No. 725, § 8; A.S.A. 1947, § 22-758.7; Acts 1987, No. 430, § 5.

16-17-611. [Repealed.]

Publisher's Notes. This section, concerning the form of defendant answers, and claims of affirmative relief, was repealed by Acts 2003, No. 1185, § 156,

effective January 1, 2005. The section was derived from Acts 1977, No. 725, § 10; A.S.A. 1947, § 22-758.9; Acts 1987, No. 430, § 6; 2003, No. 1185, §§ 155, 156.

16-17-612. [Repealed.]

Publisher’s Notes. This section, concerning restrictions on participation by attorneys, the taking of evidence and third-party practice, was repealed by Acts 2003, No. 1185, § 158, effective January

1, 2005. The section was derived from Acts 1977, No. 725, §§ 9, 11, 12; 1983, No. 280, § 2; A.S.A. 1947, §§ 22-758.8, 22-758.10, 22-758.11; Acts 1987, No. 430, § 8; 2003, No. 1185, §§ 157, 158.

16-17-613. [Repealed.]

Publisher’s Notes. This section, concerning judgements, orders, the awarding of costs and appeals, was repealed by Acts 2003, No. 1185, § 160, effective January 1, 2005. The section was derived from Acts

1977, No. 725, §§ 9, 11, 14-16; 1983, No. 280, § 2; A.S.A. 1947, §§ 22-758.8, 22-758.10, 22-758.13 — 22-758.15; Acts 1987, No. 430, §§ 7, 10, 11; 2003, No. 1185, §§ 159, 160.

16-17-614. [Repealed.]

Publisher’s Notes. This section, concerning fees for filing claim, was repealed by Acts 1995, No. 1256, § 20, as amended by Acts 1995 (1st Ex. Sess.), No. 13, § 4.

The section was derived from Acts 1977, No. 725, § 13; 1981, No. 369, § 1; A.S.A. 1947, § 22-758.12; Acts 1987, No. 430, § 9. For present law, see § 16-17-705.

SUBCHAPTER 7 — DISTRICT COURT CIVIL JURISDICTION ACT

SECTION.
16-17-701. Title.
16-17-702. Proceedings subject to rules.
16-17-703. Right to jury trial.
16-17-704. Jurisdiction — Civil Cases.
16-17-705. Filing fees and costs.
16-17-706. Venue.
16-17-707. Separate accounting records of fines, etc. — Disburse-

SECTION.
ments. [Effective until January 1, 2012.]
16-17-707. Separate accounting records of fines, etc. — Disbursements. [Effective January 1, 2012.]

Preambles. Acts 1997, No. 746 contained a preamble which read: “WHEREAS, Arkansas Constitution, Amendment 64 authorizes the General Assembly to increase or decrease the jurisdictional limit by a two-thirds vote of each house of the General Assembly.”
Effective Dates. Acts 1987, No. 431, § 10: July 1, 1987. Emergency clause provided: “It is hereby found and determined by the General Assembly that Amendment 64 has an effective date of July 1, 1987, that the smooth implementation of the Amendment requires that this law be enacted; that should the General Assembly extend the session beyond the sixtieth day, there exists a danger that this law would not be in effect on July 1, 1987;

therefore, this shall be effective July 1, 1987.”
Acts 1987 (1st Ex. Sess.), No. 34, § 4: July 1, 1987. Emergency clause provided: “It is hereby found and determined by the General Assembly that Act 431 of 1987 has an effective date of July 1, 1987, that the smooth implementation of the Amendment 64 requires that this law be enacted on the same date; therefore, this shall be effective July 1, 1987.”
Acts 1995, No. 1256, § 23: Apr. 13, 1995. Emergency clause provided: “It is hereby found and determined by the General Assembly of the State of Arkansas that the current system of funding the state judicial system has created inequity in the level of judicial services available to

the citizens of the state; and it is further determined that the current method of financing the state judicial system has become so complex as to make the administration of the system impossible, and the lack of reliable data on the current costs of the state judicial system prohibits any comprehensive change in the funding of the system at this time. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval."

Acts 2007, No. 663, § 56(a): Jan. 1, 2008.

Acts 2007, No. 663, § 56(b): Jan. 1, 2012.

Acts 2009, No. 345, § 57: July 1, 2009. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act is immediately necessary to coincide with the beginning of the 2009 — 2010 fiscal year to further the goal of a unified court system in order to provide judicial economy and the fair administration of justice. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2009."

16-17-701. Title.

This subchapter shall be known as the "District Court Civil Jurisdiction Act".

History. Acts 1987, No. 431, § 1; 2003, No. 1185, § 161.

16-17-702. Proceedings subject to rules.

All civil cases filed in district court shall be subject to the procedural rules adopted by the Supreme Court for such cases.

History. Acts 1987, No. 431, § 2; 2003, No. 1185, §§ 161, 162.

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

Effective Dates. Acts 2003, No. 1185, § 162: effective Jan. 1, 2003, by its own terms.

CASE NOTES

Transfers.

As is provided by Arkansas's statutory law and court rules, the municipal court had authority to transfer cause to the

Washington County Circuit Court after concluding replevin action exceeded the jurisdictional amount. *Bonnell v. Smith*, 322 Ark. 141, 908 S.W.2d 74 (1995).

16-17-703. Right to jury trial.

There shall be no jury trials in district court. In order that the right of trial by jury remains inviolate, all appeals from judgment in district court shall be de novo to circuit court.

History. Acts 1987, No. 431, § 3; 2003, No. 1185, § 163.

Cross References. District court gen-

erally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

CASE NOTES

ANALYSIS

Constitutionality.
 Construction with Other Law.
 Circuit Court.
 Default Judgment.
 Failure to Appear.

Constitutionality.

While former § 16-17-704(a)(6) does provide for concurrent jurisdiction, nothing in Acts 1987, No. 431 suggests an intent by the legislature to abrogate the constitutional right to a trial by jury in tort actions triable in circuit court. To the contrary, this section, which deals with appeals from municipal court, clearly demonstrates the legislature's concern that the right secured by Ark. Const., Art. 2, § 7 not be diminished. *McClanahan v. Gibson*, 296 Ark. 304, 756 S.W.2d 889 (1988).

Construction with Other Law.

Although a DWI conviction is tried de novo in circuit court on appeal, the appeal does not affect the validity of the judgment of the district court until that judgment is overturned; thus, defendant's prior driving while intoxicated (DWI) conviction, which was on appeal to the circuit court, was properly used to determine defendant's fourth-offense DWI status at

sentencing in a subsequent case. *Swint v. State*, 356 Ark. 361, 152 S.W.3d 226 (2004).

Circuit Court.

In a tort case in circuit court, there is a right to trial by jury regardless of the amount in controversy. *McClanahan v. Gibson*, 296 Ark. 304, 756 S.W.2d 889 (1988).

Default Judgment.

A defendant has a direct right of appeal to circuit court from the entry of a default judgment in municipal court. *Murdock v. Slater*, 326 Ark. 1067, 935 S.W.2d 540 (1996).

Failure to Appear.

The trial court complied with Ark. Const., Art. 2, § 7 by setting defendant's case for trial by jury even though defendant failed to appear at trial and, therefore, was precluded from exercising that right. *Rischar v. State*, 307 Ark. 429, 821 S.W.2d 25 (1991).

Cited: *Gran v. Hale*, 294 Ark. 563, 745 S.W.2d 129 (1988); *Edwards v. City of Conway*, 300 Ark. 135, 777 S.W.2d 583 (1989); *State v. Webb*, 323 Ark. 80, 913 S.W.2d 259 (1996); *Johnson v. State*, 337 Ark. 196, 987 S.W.2d 694 (1999); *Tackett v. Merchant's Sec. Patrol*, 73 Ark. App. 358, 44 S.W.3d 349 (2001).

16-17-704. Jurisdiction — Civil Cases.

The district courts shall have subject matter jurisdiction as established by Supreme Court rule.

History. Acts 1987, No. 431, § 4; 1993, No. 961, § 1; 1997, No. 746, § 1; 2003, No. 1185, §§ 163, 164.

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

Effective Dates. Acts 2003, No. 1185, § 164: effective Jan. 1, 2005, by its own terms.

RESEARCH REFERENCES

U. Ark. Little Rock L.J. Survey — Civil Procedure, 12 U. Ark. Little Rock L.J. 135.

Legislative Survey, Civil Procedure, 16 U. Ark. Little Rock L.J. 85.

CASE NOTES

ANALYSIS

Constitutionality.
Appeal.
Fraud.
Personal Property.
Trial by Jury.

Constitutionality.

While former subdivision (a)(6) of this section does provide for concurrent jurisdiction, nothing in Acts 1987, No. 431 suggests an intent by the legislature to abrogate the constitutional right to a trial by jury in tort actions triable in circuit court. To the contrary, § 16-17-703, which deals with appeals from municipal court (now district court), clearly demonstrates the legislature's concern that the right secured by Ark. Const., Art. 2, § 7 not be diminished. *McClanahan v. Gibson*, 296 Ark. 304, 756 S.W.2d 889 (1988).

Appeal.

Arkansas law, constitutional and statutory, provides municipal courts with no authority to hear and decide actions concerning damages to land. Accordingly, a municipal court lacks subject matter jurisdiction of a trespass on land action, and because the municipal court has no jurisdiction cause, the circuit court acquires none on appeal. *Miles v. Southern*, 297 Ark. 274, 760 S.W.2d 868 (1988).

Fraud.

Legal malpractice action brought against an attorney in the small claims division of the municipal court was really a claim based on fraud and, as such, the municipal court lacked subject-matter ju-

risdiction; the circuit court's summary judgment in favor of the attorney was proper because it could not acquire subject-matter jurisdiction on appeal, however, the court could consider the defense of lack of subject-matter jurisdiction or failure to state a claim on a summary judgment motion, pursuant to Ark. R. Civ. P. 12(b)(1) and (6). *French v. Webb*, 80 Ark. App. 357, 96 S.W.3d 740 (2003).

Personal Property.

Whether personal property becomes a fixture by annexation to the land depends upon the annexer's manifested intention, which can be shown by material considerations such as the character of the fixture as related to the use to which the land is being put and the manner in which the property is attached to the land. *Sanders v. Putman*, 315 Ark. 251, 866 S.W.2d 827 (1993).

Trial by Jury.

In a tort case in circuit court, there is a right to trial by jury regardless of the amount in controversy. *McClanahan v. Gibson*, 296 Ark. 304, 756 S.W.2d 889 (1988).

Persons are not entitled to a jury trial in municipal court except that such right to a jury trial remains inviolate when they pursue their appeal to circuit court where their case is to be tried de novo. *Edwards v. City of Conway*, 300 Ark. 135, 777 S.W.2d 583 (1989); *State v. Roberts*, 321 Ark. 31, 900 S.W.2d 175 (1995).

Cited: *Coleman v. Watt*, 40 F.3d 255 (8th Cir. 1994); *State v. Webb*, 323 Ark. 80, 913 S.W.2d 259 (1996).

16-17-705. Filing fees and costs.

(a)(1) The uniform filing fee to be charged by the clerks of the district courts for initiating a cause of action in district court in this state shall be as prescribed in this section.

(2) No portion of the filing fee shall be refunded.

(b)(1) For initiating a cause of action in the civil division of district court.....\$65.00

(2) For initiating a cause of action in the small claims division of district court\$50.00

(c) A town, city, or county shall not authorize and a district court clerk shall not assess or collect any other filing fees than those authorized by this section, unless specifically provided by state law.

History. Acts 1987, No. 431, § 5; 1987 (1st Ex. Sess.), No. 34, § 1; 1995, No. 1256, § 5; 2003, No. 1185, §§ 165, 166; 2005, No. 2212, § 3; 2007, No. 663, § 3; 2009, No. 345, § 1.

Amendments. The 2007 amendment, in (b)(2), deleted “if that division is established pursuant to the Arkansas Constitution, Amendment 80, § 7(D)” following “court” and substituted “\$50.00” for “\$25.00”; and substituted “town, city, or county” for “municipality” in (c).

The 2009 amendment substituted “\$65.00” for “50.00” in (b)(1); and made minor stylistic changes in (c).

Meaning of “this act”. Acts 1995, No. 1256, codified as §§ 5-65-115, 5-65-307, 14-20-102, 14-42-112, 16-10-133, 16-10-301 — 16-10-310, 16-14-105, 16-17-402, 16-17-705, 16-21-106, 16-21-113, 16-21-1103, 16-21-1503, 20-7-123, 20-18-502, 21-6-403, 24-8-315.

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

CASE NOTES

ANALYSIS

Constitutionality.
Appropriation Not Made.
Association Dues.

Constitutionality.

The imposition of part of the expenses of municipal courts on the counties in which they are established is not violative of constitutional provisions vesting county courts with original jurisdiction in all matters relating to county affairs. *Crawford County v. Van Buren*, 201 Ark. 798, 146 S.W.2d 914 (1941) (decision under prior law).

Appropriation Not Made.

If a municipal court was created after the last prior meeting of the quorum court

and no appropriation was made for the payment of the services of the judge and clerk, they could recover from the county on its liability for one-half of their salaries, provided there was a balance more than sufficient to pay those salaries. *Jackson County v. Pickens*, 208 Ark. 15, 184 S.W.2d 591 (1945) (decision under prior law).

Association Dues.

There is no provision in the Constitution or the statutes which gives the county court the specific authority to pay dues to the county judges' association. *Arkansas Ass'n of County Judges v. Green*, 232 Ark. 438, 338 S.W.2d 672 (1960).

16-17-706. Venue.

(a) Except as provided in subsection (b) of this section, the venue of civil actions instituted under this subchapter shall be as in like actions instituted in the circuit courts.

(b) If a small claims division of the district court is established pursuant to Arkansas Constitution, Amendment 80, § 7, venue in civil actions instituted in the small claims division shall be as follows:

(1) When a defendant has contracted to perform an obligation in a particular county, an action based on that obligation may be commenced and maintained either in the county where the obligation is to be performed or in the county in which the defendant resides at the commencement of the action;

(2) When the action is for injury to person or to personal property, either the county where the injury occurred or the county where the defendant resides at the commencement of the action shall be the proper venue; and

(3) In all other cases, actions shall be commenced and maintained in the county in which the defendant resides.

History. Acts 2003, No. 1185, § 167.

A.C.R.C. Notes. Acts 2003, No. 1185, § 167, purports to amend former § 16-17-706, which had previously been repealed by Acts 1997, No. 788, § 32 and No. 1341, § 31; the 2003 act has been treated as an enactment.

Publisher's Notes. Former § 16-17-706, concerning disposition of filing fees

and the municipal court costs fund, was repealed by Acts 1997, No. 788, § 32 and No. 1341, § 31. The section was derived from Acts 1987, No. 431, § 5; 1987 (1st Ex. Sess.), No. 34, § 1.

Effective Dates. Acts 2003, No. 1185, § 167: effective Jan. 1, 2005, by its own terms.

16-17-707. Separate accounting records of fines, etc. — Disbursements. [Effective until January 1, 2012.]

(a) The district court clerk shall keep three (3) separate accounting records of all fines, penalties, forfeitures, fees, and costs received by him or her for any of the officers of the town, city, or county, as provided in this subchapter:

(1) The first class of accounting records shall embrace all sums collected in the district court in all nontraffic cases which are misdemeanors or violations of the town or city ordinances and all cases which are misdemeanors or violations under state law or traffic offenses which are misdemeanors or violations under state law or town or city ordinance committed within the corporate limits of the town or city where the court sits, where the arresting officer was a police officer or other officer of the town or city, a Department of Arkansas State Police officer or other certified law enforcement officer of the state or an officer of a private or public college or university located within the corporate limits of the town or city where the court sits;

(2) The second class of accounting records shall embrace all sums collected in the district court in all nontraffic cases which are misdemeanors or violations of county ordinances or are misdemeanors or violations of any of the laws of the state where the arresting officer was the county sheriff or a deputy sheriff or was not a police officer or other officer of the town or city where the court sits, and the offense was committed outside the corporate limits of the town or city where the court sits, and in all other criminal or traffic proceedings not specifically enumerated in this section; and

(3)(A) The third class of accounting records shall embrace all sums collected in the district court in all civil and small claims cases.

(B) The uniform filing fee collected under § 16-17-705 shall be remitted to the city administration of justice fund.

(C) The uniform court costs collected under § 16-10-305 shall be remitted to the city administration of justice fund.

(D) All other fees and interest earned on the court account shall be disbursed to the treasurers of the political subdivisions which contribute to the expense of the district court in accordance with a written agreement among the political subdivisions.

(b)(1)(A) After deducting the fees due the police department and marshal's office and sheriff's office the district court shall pay into the town or city treasury all sums collected from the first class of accounting records.

(B) The district court shall pay all sums collected from the second class of accounting records into the county treasury.

(2) Any district court that is funded solely by the county shall pay all sums collected from the first class or second class of accounting records into the county treasury and shall pay all uniform filing fees and court costs collected into the county administration of justice fund.

(3) A town or city that has a police department and does not operate a district court or city court shall receive only the prorated sums collected as provided in § 16-17-1203.

(4) Direct monetary settlements shall be made with state entities or agencies as provided by law.

(c) All disbursements from all three (3) classes of accounting records shall be pursuant to the provisions set forth in the Arkansas District Courts and City Courts Accounting Law, § 16-10-201 et seq.

History. Acts 1987, No. 431, § 6; 1987 (1st Ex. Sess.), No. 34, § 2; 2003, No. 1185, § 168; 2003, No. 1765, § 22; 2005, No. 1934, § 12; 2009, No. 411, § 1; 2009, No. 633, § 14.

A.C.R.C. Notes. Section 19 of Amendment 80 to the Arkansas Constitution provided that all municipal courts were to become district courts on January 1, 2005, and that they should assume the jurisdiction previously vested in municipal courts, police courts, justice of the peace courts, and courts of common pleas. Those courts were abolished by the amendment. City courts were to continue, but if abolished by the governing body of the city or by the General Assembly, the jurisdiction of the city court would then vest in the nearest district court.

Pursuant to § 1-2-207, this section is set out above as amended by Acts 2003, No. 1765, § 22. This section was also amended by Acts 2003, No. 1185, § 168, to read as follows:

"(a) The district court clerk shall keep three (3) separate accounts of all fines,

penalties, forfeitures, fees, and costs received by him or her for any of the officers of the city, township, or county, as provided in this subchapter.

"(1) The first class of accounts shall embrace all sums collected in the district court in all criminal cases arising out of violations of the city ordinances and cases arising out of violation of state laws committed within the corporate limits of the city where the court sits, where the arresting officer was a police officer or other officer of the city or where the arresting officer was a Department of Arkansas State Police officer.

"(2) The second class of accounts shall embrace all cases arising out of violation of any of the laws of the state where the arresting officer was not a police officer or other officer of the municipality, or where the offense was committed outside the corporate limits of the city and the arrest was made by a department officer, and in all other criminal proceedings not specifically enumerated in this section; and

“(3) The third class shall embrace all sums collected in the district court in all civil cases.

“(b) After deduction and remittance of those fees permitted and authorized in this subchapter, the balance shall be disbursed to the treasurers of the political subdivisions which contribute to the expenses of the district court in proportionate amounts as each pays to the court.

“(c) After deducting the fees and costs due the sheriff and constables, the district court shall pay into the city treasury all sums arising from the first class of accounts, and shall pay all sums arising out of the second class of accounts into the county treasury.

“(d) All disbursements from all three (3) classes shall be pursuant to the provisions set forth in the Arkansas District Courts, Police Courts, and City Courts Accounting Law § 16-10-201 et seq.”

Publisher's Notes. For text of section effective January 1, 2012, see the following version.

Amendments. The 2005 amendment substituted “accounting records” for “accounts” and inserted references to “town” or “town or city” throughout this section;

deleted “township” following “city” in (a); in (a)(1), substituted “town or city” for “local,” and inserted “or other certified law enforcement officer of the state”; in (a)(2), inserted “in the district court”, “nontraffic”, “county ordinances or are”, “where the court sits” and “or traffic” and “misdemeanors,” substituted “town or city where the court sits” for “municipality,” inserted “collected” in (a)(3)(B); in (b)(1), deleted “and costs” following “fees,” substituted “police department, marshal’s and sheriff’s offices” for “sheriff and constables,” “collected” for “arising,” and “collected from” for “arising out of”; added present (b)(2); redesignated former (b)(2) as present (b)(3); and substituted “District Courts and City Courts Accounting Law” for “Municipal Courts, Police Courts, City Courts, and Justice of the Peace Courts Accounting Law of 1977” in (c).

The 2009 amendment by ch. 633 inserted “and interest earned on the court account” in (a)(3)(D).

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

16-17-707. Separate accounting records of fines, etc. — Disbursements. [Effective January 1, 2012.]

(a) The district court clerk shall keep three (3) separate accounting records of all fines, penalties, forfeitures, fees, and costs received by him or her for any of the officers of the town, city, or county, as provided in this subchapter:

(1) The first class of accounting records shall embrace all sums collected in the district court in all nontraffic cases which are misdemeanors or violations of the town or city ordinances and all cases which are misdemeanors or violations under state law or traffic offenses which are misdemeanors or violations under state law or town or city ordinance committed within the corporate limits of the town or city where the court sits, where the arresting officer was a police officer or other officer of the town or city, a Department of Arkansas State Police officer or other certified law enforcement officer of the state, or an officer of a private or public college or university located within the corporate limits of the town or city where the court sits;

(2) The second class of accounting records shall embrace all sums collected in the district court in all nontraffic cases which are misdemeanors or violations of county ordinances or are misdemeanors or violations of any of the laws of the state where the arresting officer was the county sheriff or a deputy sheriff or was not a police officer or other officer of the town or city where the court sits, and the offense was

committed outside the corporate limits of the town or city where the court sits, and in all other criminal or traffic proceedings not specifically enumerated in this section; and

(3)(A) The third class of accounting records shall embrace all sums collected in the district court in all civil and small claims cases.

(B) The uniform filing fee collected under § 16-17-705 shall be remitted to the city administration of justice fund.

(C) The uniform court costs collected under § 16-10-305 shall be remitted to the city administration of justice fund.

(D) All other fees and interest earned on the court account shall be disbursed to the treasurers of the political subdivisions which contribute to the expense of the district court in accordance with a written agreement among the political subdivisions.

(b)(1)(A) After deducting the fees due the police department and marshal's office and sheriff's office, the district court shall pay into the town or city treasury all sums collected from the first class of accounting records.

(B) The district court shall pay all sums collected from the second class of accounting records into the county treasury.

(2) Any district court that is funded solely by the county shall pay all sums collected from the first or second class of accounting records into the county treasury and shall pay all uniform filing fees and court costs collected into the county administration of justice fund.

(3) Direct monetary settlements shall be made with state entities or agencies as provided by law.

(c) All disbursements from all three (3) classes of accounting records shall be pursuant to the provisions set forth in the Arkansas District Courts Accounting Law, § 16-10-201 et seq.

History. Acts 1987, No. 431, § 6; 1987 (1st Ex. Sess.), No. 34, § 2; 2003, No. 1185, § 168; 2003, No. 1765, § 22; 2005, No. 1934, § 12; 2007, No. 663, § 37.

Publisher's Notes. For text of section effective until January 1, 2012, see the preceding version.

Amendments. The 2007 amendment added present (b)(3), and redesignated the former (b)(3) as present (b)(4); deleted "and City Courts" following "District Courts" in (c); and made minor punctuation changes.

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

"(a) Sections 2 through 15 of this act are effective January 1, 2008.

"(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

"(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

"(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

"(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009."

SUBCHAPTER 8 — APPEALS

SECTION.

16-17-801. Notice.

16-17-802. Combining multiple misdemeanor court convictions.

16-17-801. Notice.

(a) Whenever any person appeals any civil or criminal judgment rendered in any district court of this state and requests a trial de novo in circuit court, no hearing shall be held or trial shall commence in circuit court without ten (10) days' written notice being given either to the parties, to the defendant, or to the attorneys of record, whichever is applicable, by the clerk of the court or by the case coordinator.

(b) In the event that the defense requests a continuance because of this section, the time which the trial is delayed is excludable for purposes of speedy trial.

History. Acts 1997, No. 996, § 1.

16-17-802. Combining multiple misdemeanor court convictions.

If a person who has been convicted of more than one (1) related misdemeanor offense in municipal court, district court, city court, or police court shall present otherwise lawfully sufficient documents to the circuit clerk for an appeal of the related convictions, accompanied by an affidavit of the person or his or her attorney stating that the convictions arise out of the same set of facts and circumstances, the circuit clerk shall:

- (1) Combine the convictions; and
- (2)(A) Prepare and file the appeal as one (1) case; and
- (B) Charge only one (1) filing fee for the appeal.

History. Acts 1999, No. 232, § 1; 2001, No. 1809, § 10.

A.C.R.C. Notes. Section 19 of Amendment 80 to the Arkansas Constitution provided that all municipal courts were to become district courts on January 1, 2005, and that they should assume the jurisdiction previously vested in municipal courts, police courts, justice of the peace courts, and courts of common pleas. Those

courts were abolished by the amendment. City courts were to continue, but if abolished by the governing body of the city or by the General Assembly, the jurisdiction of the city court would then vest in the nearest district court.

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

SUBCHAPTER 9 — JUDICIAL DISTRICTS — JUDGES FOR DISTRICT COURTS

SECTION.

16-17-901. Definitions.

16-17-902. Counties having one district court. [Effective until January 1, 2012.]

SECTION.

16-17-902. Counties having one district court. [Effective January 1, 2012.]

16-17-903. Crittenden County District

SECTION.

- Courts. [Effective until January 1, 2012.]
- 16-17-903. Crittenden County District Courts. [Effective January 1, 2012.]
- 16-17-904. Counties having two district courts. [Effective until January 1, 2012.]
- 16-17-904. Arkansas County District Courts. [Effective January 1, 2012.]
- 16-17-905. Sebastian County District Courts.
- 16-17-906. Craighead County District Court.
- 16-17-907. Clay County District Court.
- 16-17-908. Ashley County District Courts.
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- 16-17-910. Chicot County District Court.
- 16-17-911. Desha County District Court.
- 16-17-912. Garland County District Court. [Effective until January 1, 2012.]
- 16-17-912. Garland County District Court. [Effective January 1, 2012.]
- 16-17-913. Jefferson County District Courts. [Effective until January 1, 2012.]
- 16-17-913. Jefferson County District Courts. [Effective January 1, 2012.]
- 16-17-914. Lonoke County District Courts. [Effective until January 1, 2012.]
- 16-17-914. Lonoke County District Courts. [Effective January 1, 2012.]
- 16-17-915. Monroe County District Court. [Effective until January 1, 2012.]
- 16-17-915. Monroe County District Court. [Effective January 1, 2012.]
- 16-17-916. Ouachita County District Courts. [Effective until January 1, 2012.]
- 16-17-916. Ouachita County District Courts. [Effective January 1, 2012.]
- 16-17-917. Phillips County District Court. [Effective until January 1, 2012.]

SECTION.

- 16-17-917. Phillips County District Court. [Effective January 1, 2012.]
- 16-17-918. Saline County District Court.
- 16-17-919. Washington County District Courts. [Effective until January 1, 2012.]
- 16-17-919. Washington County District Courts. [Effective January 1, 2012.]
- 16-17-920. White County District Court. [Effective until January 1, 2012.]
- 16-17-920. White County District Court. [Effective January 1, 2012.]
- 16-17-921. Pulaski County District Courts. [Effective until January 1, 2012.]
- 16-17-921. Pulaski County District Courts. [Effective January 1, 2012.]
- 16-17-922. Yell County District Courts.
- 16-17-923. District Courts established — Election of district judges.
- 16-17-924. Poinsett County District Court.
- 16-17-925. Sharp County District Court.
- 16-17-926. Woodruff County District Court.
- 16-17-927. Prairie County District Courts.
- 16-17-928. Lawrence County District Court. [Effective until January 1, 2012.]
- 16-17-928. Lawrence County District Court. [Effective January 1, 2012.]
- 16-17-929. Mississippi County District Courts. [Effective until January 1, 2012.]
- 16-17-929. Mississippi County District Courts. [Effective January 1, 2012.]
- 16-17-930. Greene County District Court.
- 16-17-931. Carroll County District Courts. [Effective January 1, 2012.]
- 16-17-932. Pope County District Court.
- 16-17-933. Franklin County District Courts. [Effective January 1, 2012.]
- 16-17-934. Baxter County District Court.
- 16-17-935. Logan County District Courts. [Effective January 1, 2012.]

SECTION.

- 16-17-936. Cleburne County District Court. [Effective January 1, 2012.]
- 16-17-937. Boone County District Court.
- 16-17-938. Columbia County District Court. [Effective January 1, 2012.]
- 16-17-939. Conway County District Court. [Effective January 1, 2012.]
- 16-17-940. Crawford County District Court. [Effective January 1, 2012.]
- 16-17-941. Cross County District Court. [Effective January 1, 2012.]
- 16-17-942. Dallas County District Court. [Effective January 1, 2012.]
- 16-17-943. Faulkner County District Court. [Effective January 1, 2012.]
- 16-17-944. Fulton County District Court. [Effective January 1, 2012.]
- 16-17-945. Hot Spring County District Court. [Effective January 1, 2012.]
- 16-17-946. Izard County District Court. [Effective January 1, 2012.]

SECTION.

- 16-17-947. Jackson County District Court. [Effective January 1, 2012.]
- 16-17-948. Johnson County District Court. [Effective January 1, 2012.]
- 16-17-949. Lafayette County District Court. [Effective January 1, 2012.]
- 16-17-950. Lincoln County District Court. [Effective January 1, 2012.]
- 16-17-951. Little River County District Court. [Effective January 1, 2012.]
- 16-17-952. Marion County District Court. [Effective January 1, 2012.]
- 16-17-953. Pike County District Court. [Effective January 1, 2012.]
- 16-17-954. St. Francis County District Court. [Effective January 1, 2012.]
- 16-17-955. Van Buren County District Court. [Effective January 1, 2012.]
- 16-17-956. Perry County District Court. [Effective January 1, 2012.]
- 16-17-957. Clark County District Court. [Effective January 1, 2012.]

Effective Dates. Acts 2005, No. 72, § 7: Feb. 7, 2005. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that the districts courts in various counties must have departments located in various parts of the county to ensure that sufficient courtrooms and resources are available for the operation of the court system in the counties; that the statutes creating the district courts must be clarified to reflect the establishment of the various departments; and that this act is immediately necessary to ensure the continued operation of the departments of the district courts. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is

neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

"(a) Sections 2 through 15 of this act are effective January 1, 2008.

"(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

"(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

"(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

Acts 2009, No. 345, § 57: July 1, 2009. Emergency clause provided: “It is found and determined by the General Assembly of the State of Arkansas that this act is

immediately necessary to coincide with the beginning of the 2009 — 2010 fiscal year to further the goal of a unified court system in order to provide judicial economy and the fair administration of justice. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2009.”

16-17-901. Definitions.

As used in this subchapter, unless the context otherwise requires:

(1) “Department” means the physical location where sessions of court are held; and

(2) “Division” means the subject matter division of the court.

History. Acts 2003, No. 1727, § 1.

Jurisdiction of circuit courts, Ark.

Cross References. District court generally, § 16-17-132.

Const. Amend. 80, §§ 6, 19.

16-17-902. Counties having one district court. [Effective until January 1, 2012.]

(a) Each of the following counties shall have one (1) district court and one (1) district judge:

- (1) Bradley;
- (2) Calhoun;
- (3) Clark;
- (4) Cleveland;
- (5) Columbia;
- (6) Conway;
- (7) Crawford;
- (8) Cross;
- (9) Dallas;
- (10) Drew;
- (11) Faulkner;
- (12) Fulton;
- (13) Grant;
- (14) Hempstead;
- (15) Hot Spring;
- (16) Howard;
- (17) Independence;
- (18) Izard;
- (19) Jackson;
- (20) Johnson;
- (21) Lafayette;
- (22) Lee;
- (23) Lincoln;

- (24) Little River;
- (25) Madison;
- (26) Marion;
- (27) Miller;
- (28) Montgomery;
- (29) Nevada;
- (30) Newton;
- (31) Perry;
- (32) Pike;
- (33) Polk;
- (34) Randolph;
- (35) Scott;
- (36) Searcy;
- (37) Sevier;
- (38) Stone;
- (39) Union; and
- (40) Van Buren.

(b) The district court shall be located in the county seat of each county listed in subsection (a) of this section.

(c)(1) The judge of any district court located in a county with one (1) district court shall be elected countywide.

(2) If there is only one (1) district court in a county, it shall have countywide jurisdiction.

History. Acts 2003, No. 1727, § 2; 2005, No. 72, § 1; 2007, No. 663, § 4; 2009, No. 345, § 2.

Publisher's Notes. For text of section effective January 1, 2012, see the following version.

Amendments. The 2005 amendment, in (a)(2), deleted "Lawrence," "Poinsett," "Sharp" and "Woodruff" and made related changes.

The 2007 amendment, in (a), deleted former (1), (2), (17) and (38), and redesignated the remaining subsections accordingly.

The 2009 amendment deleted (a)(4), which read: "Clebune," and redesignated the remaining subdivisions accordingly.

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

"(a) Sections 2 through 15 of this act are effective January 1, 2008.

"(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

"(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

"(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

"(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009."

16-17-902. Counties having one district court. [Effective January 1, 2012.]

(a) Each of the following counties shall have one (1) district court and one (1) district judge:

- (1) Bradley;

- (2) Calhoun;
- (3) Cleveland;
- (4) Drew;
- (5) Grant;
- (6) Hempstead;
- (7) Howard;
- (8) Independence;
- (9) Lee;
- (10) Madison;
- (11) Miller;
- (12) Montgomery;
- (13) Nevada;
- (14) Newton;
- (15) Polk;
- (16) Randolph;
- (17) Scott;
- (18) Searcy;
- (19) Sevier;
- (20) Stone; and
- (21) Union.

(b) The district court shall be located in the county seat of each county listed in subsection (a) of this section.

(c)(1) The judge of any district court located in a county with one (1) district court shall be elected countywide.

(2) If there is only one (1) district court in a county, it shall have countywide jurisdiction.

History. Acts 2003, No. 1727, § 2; 2005, No. 72, § 1; 2007, No. 663, § 38.

Publisher's Notes. For text of section effective until January 1, 2012, see the preceding version.

Amendments. The 2007 amendment rewrote (a).

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-903. Crittenden County District Courts. [Effective until January 1, 2012.]

Crittenden County shall have the following district courts and judges:

- (1) Marion shall have one (1) district court and one (1) district judge.
- (2) West Memphis shall have one (1) district court and one (1) district judge.

(3) The jurisdiction of any district court in Crittenden County shall be countywide.

(4) The judge of any district court in Crittenden County shall be elected countywide.

History. Acts 2003, No. 1727, § 3.

Publisher's Notes. For text of section effective January 1, 2012, see the following version.

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

16-17-903. Crittenden County District Courts. [Effective January 1, 2012.]

(a) Crittenden County shall have the following district courts and judges:

(1)(A) Marion shall have one (1) district court with six (6) departments:

- (i) One (1) located in Marion;
- (ii) One (1) located in Earle;
- (iii) One (1) located in Gilmore;
- (iv) One (1) located in Jericho;
- (v) One (1) located in Sunset; and
- (vi) One (1) located in Turrell.

(B) All six (6) departments are to be served by one (1) judge; and

(2)(A) West Memphis shall have one (1) district court with three (3) departments:

- (i) One (1) located in West Memphis;
- (ii) One (1) located in Edmonson; and
- (iii) One (1) located in Jennette.

(B) All three (3) departments are to be served by one (1) judge.

(b) The jurisdiction of any district court in Crittenden County shall be countywide.

(c) The judge of any district court in Crittenden County shall be elected countywide.

History. Acts 2003, No. 1727, § 3; 2007, No. 663, § 39.

Publisher's Notes. For text of section effective until January 1, 2012, see the preceding version.

Amendments. The 2007 amendment rewrote the section.

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

"(a) Sections 2 through 15 of this act are effective January 1, 2008.

"(b) Sections 16 through 50 and 52

through 55 of this act are effective January 1, 2012.

"(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

"(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

"(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009."

16-17-904. Counties having two district courts. [Effective until January 1, 2012.]

(a) Arkansas, Carroll, Franklin, and Logan counties, having two (2) judicial districts, shall have one (1) district court in each district and one (1) district judge for each court.

(b) The district court in Arkansas, Carroll, Franklin, and Logan counties shall be located in the county seat of each judicial district in the county.

(c) The judge of any district court located in Arkansas, Carroll, Franklin, and Logan counties shall be elected by the electors of the judicial district in which the court is located.

(d) In Arkansas, Carroll, Franklin, and Logan counties, the jurisdiction of the district court shall be limited to the district in which the court sits.

History. Acts 2003, No. 1727, § 4; 2005, No. 72, § 2; 2007, No. 663, § 5.

Publisher's Notes. For text of section effective January 1, 2012, see the following section.

Amendments. The 2005 amendment substituted "and Mississippi" for "Mississippi, and Prairie" throughout this section.

The 2007 amendment substituted "and Logan" for "Logan, and Mississippi" throughout the section.

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

"(a) Sections 2 through 15 of this act are effective January 1, 2008.

"(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

"(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

"(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

"(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009."

16-17-904. Arkansas County District Courts. [Effective January 1, 2012.]

(a) Arkansas County shall have the following district courts and judges:

(1) The Northern District shall have:

(A) One (1) district court located in Stuttgart; and

(B) One (1) district judge; and

(2) The Southern District shall have:

(A) One (1) district court with three (3) departments:

(i) One (1) located in DeWitt;

(ii) One (1) located in Gillett; and

(iii) One (1) located in St. Charles.

(B) All three (3) departments are to be served by one (1) judge.

(b) The judge of any district court located in Arkansas County shall be elected by the electors of the judicial district in which the court is located.

(c) In Arkansas County, the jurisdiction of the district court shall be limited to the judicial district in which the court is located.

History. Acts 2003, No. 1727, § 4; 2005, No. 72, § 2; Acts 2007, No. 663, § 40.

Publisher's Notes. For text of section effective until January 1, 2012, see the preceding section.

Amendments. The 2007 amendment rewrote the section heading and rewrote the section.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

"(a) Sections 2 through 15 of this act are effective January 1, 2008.

"(b) Sections 16 through 50 and 52 through 55 of this act are effective Janu-

ary 1, 2012.

"(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

"(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

"(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009."

16-17-905. Sebastian County District Courts.

(a) Sebastian County, having two (2) judicial districts, shall have the following district courts and judges:

(1)(A) One (1) district court in Fort Smith with two (2) departments and one (1) judge for each department.

(B) Effective January 1, 2009, the Fort Smith District shall have:

(i) One (1) district court with three (3) departments located in Fort Smith; and

(ii)(a) One (1) judge for each department.

(b) The additional district court judgeship created under subdivision (a)(1)(B) of this section shall be elected by the qualified electors of the Fort Smith District at the 2008 nonpartisan judicial general election; and

(2) The Greenwood District shall have:

(A) One (1) district court with three (3) departments:

(i) One (1) located in Greenwood;

(ii) One (1) located in Barling; and

(iii) One (1) located in Central City; and

(B) One (1) district judge to serve all three (3) departments.

(b) The judge of any district court in Sebastian County shall be elected by the electors of the judicial district in which the court is located.

(c) The jurisdiction of the district courts in Sebastian County shall be limited to the judicial district in which the court is located.

History. Acts 2003, No. 1727, § 5; 2007, No. 663, § 6.

Amendments. The 2007 amendment rewrote (a); and inserted "judicial" in (c).

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

"(a) Sections 2 through 15 of this act

are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the

Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-906. Craighead County District Court.

(a)(1) Craighead County shall have one (1) district court with two (2) departments.

(2)(A) One (1) department shall be located in Jonesboro; and

(B) One (1) department shall be located in Lake City.

(3) Both departments are to be served by one (1) judge.

(b) The Craighead County District Court Judge shall be elected countywide.

(c) The Craighead County District Court shall have countywide jurisdiction.

History. Acts 2003, No. 1727, § 6; 2005, No. 72, § 6.

Amendments. The 2005 amendment rewrote (a).

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

16-17-907. Clay County District Court.

(a)(1) Clay County shall have one (1) district court with three (3) departments:

(A) One (1) located in Corning;

(B) One (1) located in Piggott; and

(C) One (1) located in Rector.

(2) All three departments are to be served by one (1) judge.

(b) The Clay County District Court Judge shall be elected countywide.

(c) The Clay County District Court shall have countywide jurisdiction.

History. Acts 2003, No. 1727, § 7; 2005, No. 72, § 3.

Amendments. The 2005 amendment rewrote (a).

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

16-17-908. Ashley County District Courts.

(a) Ashley County shall have one (1) district court with two (2) departments, one (1) located in Crossett and one (1) located in Hamburg, and one (1) judge for each department.

(b) The judges of Ashley County District Court shall be elected countywide.

(c) The Ashley County District Court shall have countywide jurisdiction.

History. Acts 2003, No. 1727, § 8.

Jurisdiction of circuit courts, Ark.

Cross References. District court generally, § 16-17-132. Const. Amend. 80, §§ 6, 19.

16-17-909. Benton County District Courts.

(a)(1) Effective until January 1, 2009, Benton County shall have the following district courts and judges:

(A) Rogers shall have one (1) district court and one (1) district judge;

(B) Bentonville shall have one (1) district court and one (1) district judge and three (3) departments:

(i) One (1) located in Bentonville;

(ii) One (1) located in Cave Springs; and

(iii) One (1) located in Pea Ridge;

(C) Siloam Springs shall have one (1) district court and one (1) district judge;

(D) Benton County West shall have one (1) district court and one (1) district judge; and

(2) Effective January 1, 2009:

(A) Benton County shall have the following district courts and judges:

(i) Rogers shall have one (1) district court and one (1) district judge;

(ii) Bentonville shall have one (1) district court and one (1) district judge;

(iii) Siloam Springs shall have one (1) district court and one (1) district judge; and

(iv) Benton County West shall have one (1) district court and one (1) district judge; and

(B)(i) Benton County shall have the following departments:

(a) One (1) located in Bethel Heights;

(b) One (1) located in Cave Springs;

(c) One (1) located in Centerton;

(d) One (1) located in Gravette;

(e) One (1) located in Little Flock;

(f) One (1) located in Lowell;

(g) One (1) located in Pea Ridge; and

(h) One (1) located in Sulphur Springs.

(ii) The presiding judge of the departments under subdivision (a)(2)(B) of this section shall be determined by the mutual agreement of the district court judges under the superintending control of the Nineteenth Judicial District —West administrative circuit judge.

(3) For the purpose of venue, the district court boundaries in Benton County shall be as follows:

(A) Rogers District Court (District Court 1):

(i) All of District 94, District 95, and District 96 of the House of Representatives as drawn by the Board of Apportionment in 2002;

(ii) That part of District 98 of the House of Representatives as drawn by the Board of Apportionment in 2002 that is in Benton County Quorum Court District 1 as established by the Benton County Election Commission;

(iii) That part of Benton County Quorum Court District 6 as established by the Benton County Election Commission that is in District 96 and District 98 of the House of Representatives as drawn by the Board of Apportionment in 2002; and

(iv) All of the now-existing precinct 43, precinct 44, and precinct 49;

(B) Bentonville District Court (District Court 2 — Bentonville):

(i) All of District 7, District 8, District 10, and District 9 except for the now existing precinct 22, of the Benton County Quorum Court as established by the Benton County Election Commission;

(ii) All of District 99 of the House of Representatives as drawn by the Board of Apportionment in 2002 except for the now-existing precinct 43, precinct 44, and precinct 49; and

(iii) All of the now-existing precinct 45;

(C) Siloam Springs District Court (District Court 3 — Siloam Springs):

(i) All of District 97 of the House of Representatives as drawn by the Board of Apportionment in 2002; and

(ii) All of the now-existing precinct 7, precinct 14, precinct 16, and precinct 17; and

(D) Benton County West District Court (District Court 4 — Benton County West):

(i) All of Benton County Quorum Court District 11 as established by the Benton County Election Commission;

(ii) All of the now-existing precinct 6, precinct 15, precinct 18, precinct 19, and precinct 22.

(b) The judge of any district court in Benton County shall be elected countywide.

(c) Effective January 1, 2009, the jurisdiction of any district court in Benton County shall be countywide.

History. Acts 2003, No. 1727, § 9; 2003 (2nd Ex. Sess.), No. 45, § 1; 2007, No. 663, § 7.

Amendments. The 2007 amendment rewrote (a); substituted “countywide” for “by the qualified electors within the district in which the court is located” in (b); and rewrote (c).

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

Effective Dates. Acts 2007, No. 663,

§ 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and de-

partments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of

2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-910. Chicot County District Court.

(a)(1) Chicot County shall have one (1) district court with the following three (3) departments:

(A) One (1) located in Dermott;

(B) One (1) located in Eudora; and

(C) One (1) located in Lake Village.

(2) Each department shall have one (1) judge.

(b) The judges of Chicot County District Court shall be elected countywide.

(c) The Chicot County District Court shall have countywide jurisdiction.

History. Acts 2003, No. 1727, § 10.

Jurisdiction of circuit courts, Ark.

Cross References. District court generally, § 16-17-132.

Const. Amend. 80, §§ 6, 19.

16-17-911. Desha County District Court.

(a)(1) Desha County shall have one (1) district court with the following two (2) departments:

(A) One (1) located in Dumas; and

(B) One (1) located in McGehee.

(2) Each department shall have one (1) judge.

(b) The judges of Desha County District Court shall be elected countywide.

(c) The Desha County District Court shall have countywide jurisdiction.

History. Acts 2003, No. 1727, § 11.

Jurisdiction of circuit courts, Ark.

Cross References. District court generally, § 16-17-132.

Const. Amend. 80, §§ 6, 19.

16-17-912. Garland County District Court. [Effective until January 1, 2012.]

(a) Garland County shall have:

(1) One (1) district court with two (2) departments and;

(2) One (1) judge for each department.

(b) The judges of Garland County District Court shall be elected countywide.

(c) The Garland County District Court shall have countywide jurisdiction.

History. Acts 2003, No. 1727, § 12.

effective January 1, 2012, see the following version.

Publisher's Notes. For text of section

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

16-17-912. Garland County District Court. [Effective January 1, 2012.]

(a)(1) Garland County shall have one (1) district court with three (3) departments:

(A) Two (2) located in Hot Springs; and

(B) One (1) located in Mountain Pine.

(2) All three (3) departments are to be served by two (2) judges.

(b) The judges of Garland County District Court shall be elected countywide.

(c) The Garland County District Court shall have countywide jurisdiction.

History. Acts 2003, No. 1727, § 12; 2007, No. 663, § 41.

Publisher's Notes. For text of section effective until January 1, 2012, see the preceding version.

Amendments. The 2007 amendment rewrote (a).

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

"(a) Sections 2 through 15 of this act are effective January 1, 2008.

"(b) Sections 16 through 50 and 52

through 55 of this act are effective January 1, 2012.

"(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

"(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

"(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009."

16-17-913. Jefferson County District Courts. [Effective until January 1, 2012.]

(a) Jefferson County shall have:

(1) Two (2) district courts located in Pine Bluff; and

(2) Two (2) district judges.

(b)(1) The judge of the Pine Bluff District Court shall be elected by the qualified electors of the City of Pine Bluff.

(2) The Pine Bluff District Court shall have jurisdiction only within the city limits of Pine Bluff, as now or in the future may be constituted.

(c)(1) The judge of the Jefferson County District Court shall be elected countywide.

(2) The Jefferson County District Court shall have countywide jurisdiction.

History. Acts 2003, No. 1727, § 13.

Publisher's Notes. For text of section effective January 1, 2012, see the following version.

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

16-17-913. Jefferson County District Courts. [Effective January 1, 2012.]

(a) Jefferson County shall have the following district courts and judges:

(1) Pine Bluff shall have one (1) district court, known as the Pine Bluff District Court, and one (1) judge; and

(2) Jefferson County shall have:

(A) One (1) district court, known as the Jefferson County District Court, with six (6) departments:

(i) One (1) located in Pine Bluff;

(ii) One (1) located in Altheimer;

(iii) One (1) located in Humphrey;

(iv) One (1) located in White Hall;

(v) One (1) located in Wabbaseka; and

(vi) One (1) located in Redfield.

(B) All six (6) departments are to be served by one (1) judge.

(b)(1) The judge of the Pine Bluff District Court shall be elected by the qualified electors of the City of Pine Bluff.

(2) The Pine Bluff District Court shall have jurisdiction only within the city limits of Pine Bluff, as now or in the future may be constituted.

(c)(1) The judge of the Jefferson County District Court shall be elected countywide.

(2) The Jefferson County District Court shall have countywide jurisdiction.

History. Acts 2003, No. 1727, § 13; 2007, No. 663, § 42.

Publisher's Notes. For text of section effective until January 1, 2012, see the preceding version.

Amendments. The 2007 amendment rewrote (a).

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52

through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-914. Lonoke County District Courts. [Effective until January 1, 2012.]

(a) Lonoke County, having two (2) judicial districts, shall have the following district courts and judges:

(1) The Northern District of Lonoke County shall have:

(A) One (1) district court, with two (2) departments:

(i) One (1) located in Cabot; and

- (ii) One (1) located in Ward; and
- (B) One (1) district judge.
- (2)(A) The Southern District of Lonoke County shall have one (1) district court with three (3) departments as follows:
 - (i) One (1) department located in Lonoke to be served by one (1) judge;
 - (ii) One (1) department located in England to be served by one (1) judge; and
 - (iii) One (1) department located in Carlisle to be served by one (1) judge.
- (b) The district court boundaries in Lonoke County shall be as follows:
 - (1) The Northern District of Lonoke County shall consist of the townships of Butler, Caroline, Cleveland, Eagle, Goodrum, Magness, Oak Grove, Prairie, Totten, Ward, and York; and
 - (2) The Southern District of Lonoke County shall consist of the townships of Carlisle, Crooked Creek, Dortch, Fletcher, Furlow, Gum Woods, Gray, Hamilton, Indian Bayou, Isbell, Lafayette, Lonoke, Pettus, Richwoods, Pulaski, Scott, Williams, and Walls.
 - (c) The judge of any district court in Lonoke County shall be elected by the qualified electors of the judicial district in which the court is located.
 - (d) The jurisdiction of each district court in Lonoke County shall be limited to the district in which the court is located.

History. Acts 2003, No. 1727, § 14; 2003 (2nd Ex. Sess.), No. 76, § 1; 2005, No. 72, § 4.

Publisher's Notes. For text of section effective January 1, 2012, see the following version.

Amendments. The 2005 rewrote (a)(1)(A).

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

16-17-914. Lonoke County District Courts. [Effective January 1, 2012.]

- (a) Lonoke County, having two (2) judicial districts, shall have the following district courts and judges:
 - (1) The Northern District of Lonoke County shall have:
 - (A) One (1) district court, with three (3) departments:
 - (i) One (1) located in Cabot;
 - (ii) One (1) located in Ward; and
 - (iii) One (1) located in Austin.
 - (B) All three (3) departments are to be served by one (1) district judge; and
 - (2)(A) The Southern District of Lonoke County shall have one (1) district court with five (5) departments as follows:
 - (i) One (1) located in Lonoke;
 - (ii) One (1) located in England;
 - (iii) One (1) located in Carlisle;
 - (iv) One (1) located in Allport; and

(v) One (1) located in Humnoke.

(B) The department in Lonoke is to be served by one (1) judge.

(C) The department in England is to be served by one (1) judge.

(D) All three (3) departments in Carlisle, Allport, and Humnoke are to be served by one (1) judge.

(b) The district court boundaries in Lonoke County shall be as follows:

(1) The Northern District of Lonoke County shall consist of the townships of Butler, Caroline, Cleveland, Eagle, Goodrum, Magness, Oak Grove, Prairie, Totten, Ward, and York; and

(2) The Southern District of Lonoke County shall consist of the townships of Carlisle, Crooked Creek, Dortch, Fletcher, Furlow, Gum Woods, Gray, Hamilton, Indian Bayou, Isbell, Lafayette, Lonoke, Pettus, Richwoods, Pulaski, Scott, Williams, and Walls.

(c) The judge of any district court in Lonoke County shall be elected by the qualified electors of the judicial district in which the court is located.

(d) The jurisdiction of each district court in Lonoke County shall be limited to the judicial district in which the court is located.

History. Acts 2003, No. 1727, § 14; 2003 (2nd Ex. Sess.), No. 76, § 1; 2005, No. 72, § 4; 2007, No. 663, § 43.

Publisher's Notes. For text of section effective until January 1, 2012, see the preceding version.

Amendments. The 2007 amendment rewrote (a); and inserted "judicial" in (d).

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

"(a) Sections 2 through 15 of this act are effective January 1, 2008.

"(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

"(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

"(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

"(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009."

16-17-915. Monroe County District Court. [Effective until January 1, 2012.]

(a)(1) Monroe County shall have one (1) district court with two (2) departments as follows:

(A) One (1) located in Brinkley; and

(B) One (1) located in Clarendon.

(2) One (1) judge for each department.

(b) The judges of the Monroe County District Court shall be elected countywide.

(c) The Monroe County District Court shall have countywide jurisdiction.

History. Acts 2003, No. 1727, § 15.

Publisher's Notes. For text of section effective January 1, 2012, see the following version.

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

16-17-915. Monroe County District Court. [Effective January 1, 2012.]

(a)(1) Monroe County shall have one (1) district court with three (3) departments as follows:

(A) One (1) located in Brinkley;

(B) One (1) located in Clarendon; and

(C) One (1) located in Holly Grove.

(2)(A) The Brinkley Department is to be served by one (1) judge.

(B) The two (2) departments in Clarendon and Holly Grove are to be served by one (1) judge.

(b) The judges of the Monroe County District Court shall be elected countywide.

(c) The Monroe County District Court shall have countywide jurisdiction.

History. Acts 2003, No. 1727, § 15; 2007, No. 663, § 44.

Publisher's Notes. For text of section effective until January 1, 2012, see the preceding version.

Amendments. The 2007 amendment rewrote (a).

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

"(a) Sections 2 through 15 of this act are effective January 1, 2008.

"(b) Sections 16 through 50 and 52

through 55 of this act are effective January 1, 2012.

"(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

"(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

"(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009."

16-17-916. Ouachita County District Courts. [Effective until January 1, 2012.]

(a)(1) Ouachita County shall have two (2) district courts as follows:

(A) One (1) located in Camden; and

(B) One (1) located in East Camden.

(2) One (1) judge for each court.

(b)(1) The judge of the Camden District Court shall be elected countywide.

(2) The Camden District Court shall have countywide jurisdiction.

(c)(1) The judge of the East Camden District Court shall be elected by the qualified electors of the City of East Camden.

(2) The East Camden District Court shall have citywide jurisdiction only.

History. Acts 2003, No. 1727, § 16.

Publisher's Notes. For text of section effective January 1, 2012, see the following version.

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

16-17-916. Ouachita County District Courts. [Effective January 1, 2012.]

(a) Ouachita County shall have the following district courts and judges:

(1) Camden shall have:

(A) One (1) district court; and

(B) One (1) judge; and

(2) East Camden shall have:

(A) One (1) district court with four (4) departments:

(i) One (1) located in Bearden;

(ii) One (1) located in Chidester;

(iii) One (1) located in East Camden; and

(iv) One (1) located in Stephens.

(B) All four (4) departments are to be served by one (1) judge.

(b)(1) The judge of the Camden District Court shall be elected countywide.

(2) The Camden District Court shall have countywide jurisdiction.

(c)(1) The judge of the East Camden District Court shall be elected countywide.

(2) The East Camden District Court shall have countywide jurisdiction.

History. Acts 2003, No. 1727, § 16; 2007, No. 663, § 45.

Publisher's Notes. For text of section effective until January 1, 2012, see the preceding version.

Amendments. The 2007 amendment rewrote (a); and inserted "countywide" in (c)(1) and (2).

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

"(a) Sections 2 through 15 of this act are effective January 1, 2008.

"(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

"(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

"(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

"(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009."

16-17-917. Phillips County District Court. [Effective until January 1, 2012.]

(a)(1) Phillips County shall have one (1) district court with two (2) departments located in Helena-West Helena.

(2) One (1) judge for each department.

(b) The judges of the Phillips County District Court shall be elected countywide.

(c) The Phillips County District Court shall have countywide jurisdiction.

History. Acts 2003, No. 1727, § 17; 2007, No. 39, § 1.

Publisher's Notes. For text of section effective January 1, 2012, see the following version.

Amendments. The 2007 amendment substituted "located in Helena-West Helena" for "as follows" in (a)(1), made a minor punctuation change; and deleted (a)(1)(A) and (B).

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

"(a) Sections 2 through 15 of this act

are effective January 1, 2008.

"(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

"(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

"(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

"(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009."

16-17-917. Phillips County District Court. [Effective January 1, 2012.]

(a)(1) Phillips County shall have one (1) district court with five (5) departments as follows:

(A) Two (2) located in Helena-West Helena;

(B) One (1) located in Lake View;

(C) One (1) located in Elaine; and

(D) One (1) located in Marvell.

(2) All five (5) departments are to be served by two (2) judges.

(b) The judges of the Phillips County District Court shall be elected countywide.

(c) The Phillips County District Court shall have countywide jurisdiction.

History. Acts 2003, No. 1727, § 17; 2007, No. 663, § 46.

Publisher's Notes. For text of section effective until January 1, 2012, see the preceding version.

Amendments. The 2007 amendment rewrote (a).

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

"(a) Sections 2 through 15 of this act are effective January 1, 2008.

"(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

"(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

"(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

"(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and depart-

ments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-918. Saline County District Court.

(a)(1) Saline County shall have one (1) district court with six (6) departments as follows:

- (A) One (1) located in Benton;
- (B) One (1) located in Bryant;
- (C) One (1) located in Alexander;
- (D) One (1) located in Bauxite;
- (E) One (1) located in Haskell; and
- (F) One (1) located in Shannon Hills.

(2)(A) The department in Benton shall have one (1) judge.

(B) One (1) judge shall serve all five (5) departments in Bryant, Alexander, Bauxite, Haskell, and Shannon Hills.

(b) The judges of the Saline County District Court shall be elected by the qualified electors of Saline County and the City of Alexander.

(c) The Saline County District Court shall have jurisdiction of Saline County and the City of Alexander.

History. Acts 2003, No. 1727, § 18; 2007, No. 663, § 8.

Amendments. The 2007 amendment rewrote (a); substituted “by the qualified electors of Saline County and the City of Alexander” for “countywide” in (b); and substituted “jurisdiction of Saline County and the City of Alexander” for “countywide jurisdiction” in (c).

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-919. Washington County District Courts. [Effective until January 1, 2012.]

(a)(1) Washington County shall have the following district courts and judges:

- (A) Springdale shall have one (1) district court and one (1) judge;
 - (B) Fayetteville shall have one (1) district court and one (1) judge;
 - (C) Elkins shall have one (1) district court and one (1) judge;
 - (D) West Fork shall have one (1) district court and one (1) judge;
- and

(E) Prairie Grove shall have one (1) district court and one (1) judge.

(2) The district court boundaries in Washington County shall be as follows:

(A) For Springdale District Court:

- (i) The city limits of Springdale as now or in the future constituted;
- (ii) The township of Elm Springs;
- (iii) The township of Tontitown;
- (iv) The township of Harmon; and
- (v) That portion of the township of Johnson that lies outside the city limits of Fayetteville;

(B) For Fayetteville District Court, the city limits of Fayetteville as now or in the future constituted;

(C) For Elkins District Court, the townships of:

- (i) Brush Creek;
- (ii) Springdale 1;
- (iii) Prairie 1;
- (iv) Goshen;
- (v) Wyman;
- (vi) Prairie 2;
- (vii) Richland;
- (viii) Richland Senate;
- (ix) White River; and
- (x) Durham;

(D) For West Fork District Court:

- (i) The township of Valley;
- (ii) The township of West Fork;
- (iii) The township of Crawford;
- (iv) The township of Reed;
- (v) The township of Winslow;
- (vi) The township of Lee's Creek;
- (vii) The township of Cove Creek;
- (viii) The township of Boston; and
- (ix) That portion of the township of Greenland that lies outside the city limits of Fayetteville; and

(E) For Prairie Grove District Court, the townships of:

- (i) Prairie 4;
- (ii) Prairie 3;
- (iii) Wheeler;
- (iv) Litteral;
- (v) Center House;
- (vi) Center;
- (vii) Prairie Grove Senate;
- (viii) Prairie Grove;
- (ix) Marrs Hill;
- (x) Weddington;
- (xi) Illinois;
- (xii) Rheas;
- (xiii) Price;
- (xiv) Starr Hill;

- (xv) Dutch Mills;
- (xvi) Morrow;
- (xvii) Cane Hill; and
- (xviii) Vineyard.

(b) The judge of any district court in Washington County shall be elected by the qualified electors within the district in which the court is located.

(c) The jurisdiction of any district court in Washington County shall be limited to the district in which the court is located.

History. Acts 2003, No. 1727, § 19; 2003 (2nd Ex. Sess.), No. 24, § 1; 2007, No. 55, § 1.

Publisher's Notes. For text of section effective January 1, 2012, see the following version.

Amendments. The 2007 amendment

deleted former (a)(2)(D)(ix) and redesignated (a)(2)(D)(x) as present (a)(2)(D)(ix); and added (a)(2)(E)(xviii).

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

16-17-919. Washington County District Courts. [Effective January 1, 2012.]

(a)(1) Washington County shall have the following district courts and judges:

(A) Springdale shall have:

(i) One (1) district court with three (3) departments:

- (a) One (1) located in Springdale;
- (b) One (1) located in Elm Springs; and
- (c) One (1) located in Johnson.

(ii) All three (3) departments are to be served by one (1) judge;

(B) Fayetteville shall have one (1) district court and one (1) judge;

(C) Elkins shall have one (1) district court and one (1) judge;

(D) West Fork shall have:

(i) One (1) district court with two (2) departments:

- (a) One (1) located in West Fork; and
- (b) One (1) located in Greenland.

(ii) Both departments are to be served by one (1) judge; and

(E) Prairie Grove shall have:

(i) One (1) district court with three (3) departments:

- (a) One (1) located in Prairie Grove;
- (b) One (1) located in Lincoln; and
- (c) One (1) located in Farmington.

(ii) All three (3) departments are to be served by one (1) judge.

(2) The district court boundaries in Washington County shall be as follows:

(A) For Springdale District Court:

- (i) The city limits of Springdale as now or in the future constituted;
- (ii) The township of Elm Springs;
- (iii) The township of Tontitown;
- (iv) The township of Harmon; and

(v) That portion of the township of Johnson that lies outside the city limits of Fayetteville;

(B) For Fayetteville District Court, the city limits of Fayetteville as now or in the future constituted;

(C) For Elkins District Court, the townships of:

- (i) Brush Creek;
- (ii) Springdale 1;
- (iii) Prairie 1;
- (iv) Goshen;
- (v) Wyman;
- (vi) Prairie 2;
- (vii) Richland;
- (viii) Richland Senate;
- (ix) White River; and
- (x) Durham;

(D) For West Fork District Court:

- (i) The township of Valley;
- (ii) The township of West Fork;
- (iii) The township of Crawford;
- (iv) The township of Reed;
- (v) The township of Winslow;
- (vi) The township of Lee's Creek;
- (vii) The township of Cove Creek;
- (viii) The township of Boston;
- (ix) The township of Vineyard; and

(x) That portion of the township of Greenland that lies outside the city limits of Fayetteville; and

(E) For Prairie Grove District Court, the townships of:

- (i) Prairie 4;
- (ii) Prairie 3;
- (iii) Wheeler;
- (iv) Litteral;
- (v) Center House;
- (vi) Center;
- (vii) Prairie Grove Senate;
- (viii) Prairie Grove;
- (ix) Marrs Hill;
- (x) Weddington;
- (xi) Illinois;
- (xii) Rheas;
- (xiii) Price;
- (xiv) Starr Hill;
- (xv) Dutch Mills;
- (xvi) Morrow; and
- (xvii) Cane Hill.

(b) The judge of any district court in Washington County shall be elected by the qualified electors within the judicial district in which the court is located.

(c) The jurisdiction of any district court in Washington County shall be limited to the judicial district in which the court is located.

History. Acts 2003, No. 1727, § 19; 2003 (2nd Ex. Sess.), No. 24, § 1; 2007, No. 55, § 1; 2007, No. 663, § 47.

Publisher's Notes. For text of section effective until January 1, 2012, see the preceding version.

Amendments. The 2007 amendment rewrote (a)(1); inserted "judicial" in (b) and (c); and made a minor punctuation change.

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

"(a) Sections 2 through 15 of this act

are effective January 1, 2008.

"(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

"(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

"(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

"(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009."

16-17-920. White County District Court. [Effective until January 1, 2012.]

(a)(1) White County shall have one (1) district court with two (2) departments as follows:

(A) One (1) located in Beebe; and

(B) One (1) located in Searcy.

(2) One (1) judge for each department.

(b) The judges of the White County District Court shall be elected countywide.

(c) The White County District Court shall have countywide jurisdiction.

History. Acts 2003, No. 1727, § 20.

Publisher's Notes. For text of section effective January 1, 2012, see the following version.

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

16-17-920. White County District Court. [Effective January 1, 2012.]

(a) White County shall have the following district courts and judges:

(1) Beebe shall have one (1) district court and one (1) judge; and

(2) Searcy shall have:

(A) One (1) district court with eight (8) departments:

(i) One (1) located in Searcy;

(ii) One (1) located in Bald Knob;

(iii) One (1) located in Bradford;

(iv) One (1) located in Judsonia;

(v) One (1) located in McRae;

(vi) One (1) located in Kensett;

(vii) One (1) located in Pangburn; and

(viii) One (1) located in Rosebud.

(B) All eight (8) departments are to be served by one (1) judge.

(b) The judges of the White County District Court shall be elected countywide.

(c) The White County District Court shall have countywide jurisdiction.

History. Acts 2003, No. 1727, § 20; 2007, No. 663, § 48.

Publisher's Notes. For text of section effective until January 1, 2012, see the preceding version.

Amendments. The 2007 amendment rewrote (a).

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52

through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-921. Pulaski County District Courts. [Effective until January 1, 2012.]

Pulaski County shall have the following district courts and judges:

(1) Jacksonville shall have:

(A) One (1) district court with jurisdiction only within the city limits of Jacksonville, as now or in the future may be constituted; and

(B) One (1) judge to be elected by the qualified electors of the City of Jacksonville;

(2) Little Rock shall have:

(A) Three (3) departments of one (1) district court with jurisdiction only within the city limits of Little Rock, as now or in the future may be constituted; and

(B) One (1) judge for each department to be elected by the qualified electors of the City of Little Rock;

(3) North Little Rock shall have:

(A) Two (2) departments of one (1) district court with jurisdiction only within the city limits of North Little Rock, as now or in the future may be constituted; and

(B) One (1) judge for each department to be elected by the qualified electors of the City of North Little Rock;

(4) Maumelle shall have:

(A) One (1) district court with jurisdiction only within the city limits of Maumelle, as now or in the future may be constituted; and

(B) One (1) judge to be elected by the qualified electors of the City of Maumelle; and

(5)(A) Pulaski County shall have one (1) district court with the following three (3) departments:

(i) One (1) located in Pulaski County known as the Pulaski County District Court;

(ii) One (1) located in Sherwood known as the Sherwood District Court; and

(iii) One (1) located in Wrightsville known as the Wrightsville District Court.

(B) Each department shall have one (1) judge.

(C) The judges of the district court in Pulaski County shall be elected countywide.

(D) The district court located in Pulaski County shall have countywide jurisdiction.

History. Acts 2003, No. 1727, § 21.

Publisher's Notes. For text of section effective January 1, 2012, see the following version.

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

16-17-921. Pulaski County District Courts. [Effective January 1, 2012.]

Pulaski County shall have the following district courts and judges:

(1) Jacksonville shall have:

(A) One (1) district court with jurisdiction only within the city limits of Jacksonville, as now or in the future may be constituted; and

(B) One (1) judge to be elected by the qualified electors of the City of Jacksonville;

(2) Little Rock shall have:

(A) Three (3) departments of one (1) district court with jurisdiction only within the city limits of Little Rock, as now or in the future may be constituted; and

(B) One (1) judge for each department to be elected by the qualified electors of the City of Little Rock;

(3) North Little Rock shall have:

(A) Two (2) departments of one (1) district court with jurisdiction only within the city limits of North Little Rock, as now or in the future may be constituted; and

(B) One (1) judge for each department to be elected by the qualified electors of the City of North Little Rock;

(4) Maumelle shall have:

(A) One (1) district court with jurisdiction only within the city limits of Maumelle, as now or in the future may be constituted; and

(B) One (1) judge to be elected by the qualified electors of the City of Maumelle; and

(5)(A) Pulaski County shall have one (1) district court with the following four (4) departments:

(i) One (1) located in Pulaski County known as the Pulaski County District Court;

(ii) One (1) located in Sherwood known as the Sherwood District Court;

(iii) One (1) located in Wrightsville known as the Wrightsville District Court; and

(iv) One (1) located in Cammack Village known as the Cammack Village District Court.

(B)(i) One (1) judge shall serve the department known as the Pulaski County District Court.

(ii) One (1) judge shall serve the department known as the Sherwood District Court.

(iii) Both departments known as the Wrightsville District Court and the Cammack Village District Court are to be served by one (1) judge.

(C) The judges of the district court in Pulaski County shall be elected countywide.

(D) The district court located in Pulaski County shall have countywide jurisdiction.

History. Acts 2003, No. 1727, § 21; 2007, No. 663, § 49.

Publisher's Notes. For text of section effective until January 1, 2012, see the preceding version.

Amendments. The 2007 amendment substituted "four (4)" for "three (3)" in (5)(A); added (5)(A)(iv); rewrote (5)(B); and made related changes.

Cross References. District court generally, § 16-17-132.

Jurisdiction of circuit courts, Ark. Const. Amend. 80, §§ 6, 19.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

"(a) Sections 2 through 15 of this act are effective January 1, 2008.

"(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

"(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

"(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

"(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009."

16-17-922. Yell County District Courts.

(a)(1) Yell County, having two (2) judicial districts, shall have two (2) district courts with one (1) department located in the Northern District.

(2) The two (2) judicial districts shall each have one (1) part-time judge serviced by the one (1) department in the Northern District.

(b) The salary provided for the Yell County District Court Judge shall be divided at the rate of sixty-five percent (65%) for payment to the Northern District Judge and thirty-five percent (35%) to the Southern District Judge.

(c) The judge of each district court in Yell County shall have jurisdiction within each respective Northern and Southern District.

(d) The judge shall be elected within each respective district.

History. Acts 2003, No. 1727, § 22.

Jurisdiction of circuit courts, Ark.

Cross References. District court generally, § 16-17-132.

Const. Amend. 80, §§ 6, 19.

16-17-923. District Courts established — Election of district judges.

(a) District courts shall be established under this subchapter on July 16, 2003.

(b) The voters at the 2004 nonpartisan judicial general election shall elect the number of district judges established under this subchapter, to take office effective January 1, 2005.

History. Acts 2003, No. 1727, § 24.

Jurisdiction of circuit courts, Ark.

Cross References. District court generally, § 16-17-132.

Const. Amend. 80, §§ 6, 19.

16-17-924. Poinsett County District Court.

(a)(1) Poinsett County shall have one (1) district court with six (6) departments:

- (A) One (1) located in Marked Tree;
- (B) One (1) located in Trumann;
- (C) One (1) located in Tyronza;
- (D) One (1) located in Lepanto;
- (E) One (1) located in Harrisburg; and
- (F) One (1) located in Weiner.

(2) All six (6) departments are to be served by one (1) judge.

(b) The Poinsett County District Court Judge shall be elected countywide.

(c) The Poinsett County District Court shall have countywide jurisdiction.

History. Acts 2005, No. 72, § 5; 2007, No. 663, § 9.

Amendments. The 2007 amendment substituted “six (6)” for “five (5)” in (a)(1) and (2); added (a)(1)(F); and made related changes.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-925. Sharp County District Court.

(a)(1) Sharp County shall have one (1) district court with two (2) departments:

- (A) One (1) located in Ash Flat; and

- (B) One (1) located in Cherokee Village.
- (2) Both departments are to be served by (1) judge.
- (b) The Sharp County District Court Judge shall be elected countywide.
- (c) The Sharp County District Court shall have countywide jurisdiction.

History. Acts 2005, No. 72, § 5.

16-17-926. Woodruff County District Court.

- (a)(1) Woodruff County shall have one (1) district court with three (3) departments:
 - (A) One (1) located in Augusta;
 - (B) One (1) located in Cotton Plant; and
 - (C) One (1) located in McCrory.
- (2) All three (3) departments are to be served by one (1) judge.
- (b) The Woodruff County District Court Judge shall be elected countywide.
- (c) The Woodruff County District Court shall have countywide jurisdiction.

History. Acts 2005, No. 72, § 5.

16-17-927. Prairie County District Courts.

- (a) Prairie County, having two (2) judicial districts, shall have the following district courts and judges:
 - (1) The Northern District shall have:
 - (A) One (1) district court located in Des Arc; and
 - (B) One (1) district judge; and
 - (2) The Southern District shall have:
 - (A) One (1) district court with three (3) departments:
 - (i) One (1) located in Hazen;
 - (ii) One (1) located in Biscoe; and
 - (iii) One (1) located in DeValls Bluff; and
 - (B) One (1) district judge.
- (b) The judge of any district court located in Prairie County shall be elected by the electors of the judicial district, as now or in the future may be constituted, in which the court is located.
- (c) The jurisdiction of any district court in Prairie County shall be limited to the judicial district, as now or in the future may be constituted, in which the court is located.

History. Acts 2005, No. 72, § 5.

16-17-928. Lawrence County District Court. [Effective until January 1, 2012.]

(a)(1) Lawrence County shall have one (1) district court with two (2) departments:

(A) One (1) located in Walnut Ridge; and

(B) One (1) located in Hoxie.

(2) Both departments are to be served by one (1) judge.

(b) The Lawrence County District Court Judge shall be elected countywide.

(c) The Lawrence County District Court shall have countywide jurisdiction.

History. Acts 2005, No. 72, § 5.

effective January 1, 2012, see the following version.

Publisher's Notes. For text of section

16-17-928. Lawrence County District Court. [Effective January 1, 2012.]

(a)(1) Lawrence County shall have one (1) district court with four (4) departments:

(A) One (1) located in Walnut Ridge;

(B) One (1) located in Hoxie;

(C) One (1) located in Black Rock; and

(D) One (1) located in Portia.

(2) All four (4) departments are to be served by one (1) judge.

(b) The Lawrence County District Court Judge shall be elected countywide.

(c) The Lawrence County District Court shall have countywide jurisdiction.

History. Acts 2005, No. 72, § 5; 2007, No. 663, § 50.

Publisher's Notes. For text of section effective until January 1, 2012, see the preceding version.

Amendments. The 2007 amendment substituted "four (4)" for "two (2)" in (a)(1); added (a)(1)(C) and (D); substituted "All four (4)" for "Both" in (a)(2); and made related changes.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

"(a) Sections 2 through 15 of this act are effective January 1, 2008.

"(b) Sections 16 through 50 and 52

through 55 of this act are effective January 1, 2012.

"(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

"(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

"(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009."

16-17-929. Mississippi County District Courts. [Effective until January 1, 2012.]

(a) Mississippi County, having two (2) judicial districts, shall have the following district courts and judges:

- (1) The Osceola District shall have:
 - (A) One (1) district court located in Osceola; and
 - (B) One (1) district judge; and
- (2) The Chickasawba District shall have:
 - (A) One (1) district court with five (5) departments:
 - (i) One (1) located in Blytheville;
 - (ii) One (1) located in Manila;
 - (iii) One (1) located in Leachville;
 - (iv) One (1) located in Gosnell; and
 - (v) One (1) located in Dell.
 - (B) All five (5) departments established under subdivision (a)(2)(A) of this section are to be served by one (1) district judge.
- (b) The judges of each district court established under subdivision (a) of this section shall be elected by the electors of the judicial district in which the court is located.
- (c) The jurisdiction of each district court established under subsection (a) of this section shall be limited to the judicial district in which that court is located.

History. Acts 2007, No. 663, § 10.

Publisher's Notes. For text of section effective January 1, 2012, see the following version.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is

effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-929. Mississippi County District Courts. [Effective January 1, 2012.]

(a) Mississippi County, having two (2) judicial districts, shall have the following district courts and judges:

- (1) The Osceola District shall have:
 - (A) One (1) district court with two (2) departments:
 - (i) One (1) located in Osceola; and
 - (ii) One (1) located in Joiner.
 - (B) Both departments are to be served by one (1) district judge; and
- (2) The Chickasawba District shall have:
 - (A) One (1) district court with five (5) departments:
 - (i) One (1) located in Blytheville;
 - (ii) One (1) located in Manila;
 - (iii) One (1) located in Leachville;
 - (iv) One (1) located in Gosnell; and
 - (v) One (1) located in Dell.
 - (B) All five (5) departments are to be served by one (1) judge.

(b) The judge of any district court located in Mississippi County shall be elected by the electors of the judicial district in which the court is located.

(c) In Mississippi County, the jurisdiction of the district court shall be limited to the judicial district in which the court is located.

History. Acts 2007, No. 663, §§ 10, 51.

Publisher's Notes. For text of section effective until January 1, 2012, see the preceding version.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

"(a) Sections 2 through 15 of this act are effective January 1, 2008.

"(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

"(c) Section 51 of Act 663 of 2007 is

effective January 1, 2012, except:

"(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

"(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009."

16-17-930. Greene County District Court.

(a)(1) Greene County shall have one (1) district court with two (2) departments:

(A) One (1) located in Paragould; and

(B) One (1) located in Marmaduke.

(2) Both departments are to be served by one (1) judge.

(b) The Greene County District Court Judge shall be elected countywide.

(c) The Greene County District Court shall have countywide jurisdiction.

History. Acts 2007, No. 663, § 11.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

"(a) Sections 2 through 15 of this act are effective January 1, 2008.

"(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

"(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

"(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of

2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

"(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009."

16-17-931. Carroll County District Courts. [Effective January 1, 2012.]

(a) Carroll County, having two (2) judicial districts, shall have the following district courts and judges:

(1) The Western District shall have:

(A) One (1) district court located in Eureka Springs; and

(B) One (1) district judge; and

(2) The Eastern District shall have:

(A) One (1) district court with two (2) departments:

(i) One (1) located in Berryville; and

(ii) One (1) located in Green Forest.

(B) Both departments are to be served by one (1) district judge.

(b) The judge of any district court located in Carroll County shall be elected by the electors of the judicial district in which the court is located.

(c) In Carroll County, the jurisdiction of the district court shall be limited to the judicial district in which the court is located.

History. Acts 2007, No. 663, § 51.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of

2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-932. Pope County District Court.

(a)(1) Pope County shall have one (1) district court with five (5) departments:

(A) One (1) located in Russellville;

(B) One (1) located in Atkins;

(C) One (1) located in Dover;

(D) One (1) located in London; and

(E) One (1) located in Pottsville.

(2) All five (5) departments are to be served by one (1) judge.

(b) The Pope County District Court Judge shall be elected countywide.

(c) The Pope County District Court shall have countywide jurisdiction.

History. Acts 2007, No. 663, § 12.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of

2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-933. Franklin County District Courts. [Effective January 1, 2012.]

(a) Franklin County, having two (2) judicial districts, shall have the following district courts and judges:

(1) The Charleston District shall have:

(A) One (1) district court located in Charleston; and

(B) One (1) district judge; and

(2) The Ozark District shall have:

(A) One (1) district court with two (2) departments:

(i) One (1) located in Ozark; and

(ii) One (1) located in Altus.

(B) Both departments are to be served by one (1) district judge.

(b) The judge of any district court located in Franklin County shall be elected by the electors of the judicial district in which the court is located.

(c) In Franklin County, the jurisdiction of the district court shall be limited to the judicial district in which the court is located.

History. Acts 2007, No. 663, § 51.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of

2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-934. Baxter County District Court.

(a)(1) Baxter County shall have one (1) district court with six (6) departments:

(A) One (1) located in Mountain Home;

(B) One (1) located in Briarcliff;

(C) One (1) located in Lakeview;

(D) One (1) located in Cotter;

(E) One (1) located in Gassville; and

(F) One (1) located in Norfolk.

(2) All six (6) departments are to be served by one (1) judge.

(b) The Baxter County District Court Judge shall be elected countywide.

(c) The Baxter County District Court shall have countywide jurisdiction.

History. Acts 2007, No. 663, § 13.

Effective Dates. Acts 2007, No. 663,

§ 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the

Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-935. Logan County District Courts. [Effective January 1, 2012.]

(a) Logan County, having two (2) judicial districts, shall have the following district courts and judges:

(1) The Northern District shall have:

(A) One (1) district court located in Paris; and

(B) One (1) district judge; and

(2) The Southern District shall have:

(A) One (1) district court with two (2) departments:

(i) One (1) located in Booneville; and

(ii) One (1) located in Magazine.

(B) Both departments are to be served by one (1) district judge.

(b) The judge of any district court located in Logan County, shall be elected by the electors of the judicial district in which the court is located.

(c) In Logan County, the jurisdiction of the district court shall be limited to the judicial district in which the court is located.

History. Acts 2007, No. 663, § 51.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of

2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-936. Cleburne County District Court. [Effective January 1, 2012.]

(a)(1) Cleburne County shall have one (1) district court with four (4) departments:

(A) One (1) located in Heber Springs;

(B) One (1) located in Greers Ferry;

(C) One (1) located in Concord; and

(D) One (1) located in Quitman.

(2) All four (4) departments are to be served by one (1) judge.

(b) The Cleburne County District Court Judge shall be elected countywide.

(c) The Cleburne County District Court shall have countywide jurisdiction.

History. Acts 2007, No. 663, § 51.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of

2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-937. Boone County District Court.

(a)(1) Boone County shall have one (1) district court with two (2) departments:

(A) One (1) located in Harrison; and

(B) One (1) located in Alpena.

(2) Both departments are to be served by one (1) judge.

(b) The Boone County District Court Judge shall be elected countywide.

(c) The Boone County District Court shall have countywide jurisdiction.

History. Acts 2007, No. 663, § 14.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of

2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-938. Columbia County District Court. [Effective January 1, 2012.]

(a)(1) Columbia County shall have one (1) district court with two (2) departments:

(A) One (1) located in Magnolia; and

(B) One (1) located in Waldo.

(2) Both departments are to be served by one (1) judge.

(b) The Columbia County District Court Judge shall be elected countywide.

(c) The Columbia County District Court shall have countywide jurisdiction.

History. Acts 2007, No. 663, § 51.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of

2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-939. Conway County District Court. [Effective January 1, 2012.]

(a)(1) Conway County shall have one (1) district court with three (3) departments:

(A) One (1) located in Morrilton;

(B) One (1) located in Menifee; and

(C) One (1) located in Plumerville.

(2) All three (3) departments are to be served by one (1) judge.

(b) The Conway County District Court Judge shall be elected countywide.

(c) The Conway County District Court shall have countywide jurisdiction.

History. Acts 2007, No. 663, § 51.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of

2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-940. Crawford County District Court. [Effective January 1, 2012.]

(a)(1) Crawford County shall have one (1) district court with five (5) departments:

(A) One (1) located in Van Buren;

(B) One (1) located in Mountainburg;

- (C) One (1) located in Alma;
- (D) One (1) located in Mulberry; and
- (E) One (1) located in Dyer.

(2) All five (5) departments are to be served by one (1) judge.

(b) The Crawford County District Court Judge shall be elected countywide.

(c) The Crawford County District Court shall have countywide jurisdiction.

History. Acts 2007, No. 663, § 51.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of

2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-941. Cross County District Court. [Effective January 1, 2012.]

(a)(1) Cross County shall have one (1) district court with three (3) departments:

- (A) One (1) located in Wynne;
- (B) One (1) located in Cherry Valley; and
- (C) One (1) located in Parkin.

(2) All three (3) departments are to be served by one (1) judge.

(b) The Cross County District Court Judge shall be elected countywide.

(c) The Cross County District Court shall have countywide jurisdiction.

History. Acts 2007, No. 663, § 51.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of

2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-942. Dallas County District Court. [Effective January 1, 2012.]

(a)(1) Dallas County shall have one (1) district court with two (2) departments:

(A) One (1) located in Fordyce; and

(B) One (1) located in Sparkman.

(2) Both departments are to be served by one (1) judge.

(b) The Dallas County District Court Judge shall be elected countywide.

(c) The Dallas County District Court shall have countywide jurisdiction.

History. Acts 2007, No. 663, § 51.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of

2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-943. Faulkner County District Court. [Effective January 1, 2012.]

(a)(1) Faulkner County shall have one (1) district court with six (6) departments:

(A) One (1) located in Conway;

(B) One (1) located in Greenbrier;

(C) One (1) located in Mount Vernon;

(D) One (1) located in Mayflower;

(E) One (1) located in Guy; and

(F) One (1) located in Vilonia.

(2) All six (6) departments are to be served by one (1) judge.

(b) The Faulkner County District Court Judge shall be elected countywide.

(c) The Faulkner County District Court shall have countywide jurisdiction.

History. Acts 2007, No. 663, § 51.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52

through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the

Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of

2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-944. Fulton County District Court. [Effective January 1, 2012.]

(a)(1) Fulton County shall have one (1) district court with two (2) departments:

(A) One (1) located in Salem; and

(B) One (1) located in Mammoth Springs.

(2) Both departments are to be served by one (1) judge.

(b) The Fulton County District Court Judge shall be elected countywide.

(c) The Fulton County District Court shall have countywide jurisdiction.

History. Acts 2007, No. 663, § 51.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of

2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-945. Hot Spring County District Court. [Effective January 1, 2012.]

(a)(1) Hot Spring County shall have one (1) district court with four (4) departments:

(A) One (1) located in Malvern;

(B) One (1) located in Rockport;

(C) One (1) located in Friendship; and

(D) One (1) located in Donaldson.

(2) All four (4) departments are to be served by one (1) judge.

(b) The Hot Spring County District Court Judge shall be elected countywide.

(c) The Hot Spring County District Court shall have countywide jurisdiction.

History. Acts 2007, No. 663, § 51.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act

are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is

effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-946. Izard County District Court. [Effective January 1, 2012.]

(a)(1) Izard County shall have one (1) district court with three (3) departments:

- (A) One (1) located in Melbourne;
- (B) One (1) located in Calico Rock; and
- (C) One (1) located in Horseshoe Bend.

(2) All three (3) departments are to be served by one (1) judge.

(b) The Izard County District Court Judge shall be elected countywide.

(c) The Izard County District Court shall have countywide jurisdiction.

History. Acts 2007, No. 663, § 51.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of

2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-947. Jackson County District Court. [Effective January 1, 2012.]

(a)(1) Jackson County shall have one (1) district court with four (4) departments:

- (A) One (1) located in Newport;
- (B) One (1) located in Diaz;
- (C) One (1) located in Swifton; and
- (D) One (1) located in Tuckerman.

(2) All four (4) departments are to be served by one (1) judge.

(b) The Jackson County District Court Judge shall be elected countywide.

(c) The Jackson County District Court shall have countywide jurisdiction.

History. Acts 2007, No. 663, § 51.

Effective Dates. Acts 2007, No. 663,

§ 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the

Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-948. Johnson County District Court. [Effective January 1, 2012.]

(a)(1) Johnson County shall have one (1) district court with three (3) departments:

(A) One (1) located in Clarksville;

(B) One (1) located in Lamar; and

(C) One (1) located in Coal Hill.

(2) All three (3) departments are to be served by one (1) judge.

(b) The Johnson County District Court Judge shall be elected countywide.

(c) The Johnson County District Court shall have countywide jurisdiction.

History. Acts 2007, No. 663, § 51.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of

2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-949. Lafayette County District Court. [Effective January 1, 2012.]

(a)(1) Lafayette County shall have one (1) district court with three (3) departments:

(A) One (1) located in Lewisville;

(B) One (1) located in Bradley; and

(C) One (1) located in Stamps.

(2) All three (3) departments are to be served by one (1) judge.

(b) The Lafayette County District Court Judge shall be elected countywide.

(c) The Lafayette County District Court shall have countywide jurisdiction.

History. Acts 2007, No. 663, § 51.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of

2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-950. Lincoln County District Court. [Effective January 1, 2012.]

(a)(1) Lincoln County shall have one (1) district court with three (3) departments:

(A) One (1) located in Star City;

(B) One (1) located in Grady; and

(C) One (1) located in Gould.

(2) All three (3) departments are to be served by one (1) judge.

(b) The Lincoln County District Court Judge shall be elected countywide.

(c) The Lincoln County District Court shall have countywide jurisdiction.

History. Acts 2007, No. 663, § 51.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of

2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-951. Little River County District Court. [Effective January 1, 2012.]

(a)(1) Little River County shall have one (1) district court with two (2) departments:

(A) One (1) located in Ashdown; and

(B) One (1) located in Foreman.

(2) Both departments are to be served by one (1) judge.

(b) The Little River County District Court Judge shall be elected countywide.

(c) The Little River County District Court shall have countywide jurisdiction.

History. Acts 2007, No. 663, § 51.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of

2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-952. Marion County District Court. [Effective January 1, 2012.]

(a)(1) Marion County shall have one (1) district court with four (4) departments:

(A) One (1) located in Yellville;

(B) One (1) located in Bull Shoals;

(C) One (1) located in Flippin; and

(D) One (1) located in Summit.

(2) All four (4) departments are to be served by one (1) judge.

(b) The Marion County District Court Judge shall be elected countywide.

(c) The Marion County District Court shall have countywide jurisdiction.

History. Acts 2007, No. 663, § 51.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of

2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-953. Pike County District Court. [Effective January 1, 2012.]

(a)(1) Pike County shall have one (1) district court with two (2) departments:

(A) One (1) located in Murfreesboro; and

(B) One (1) located in Glenwood.

(2) Both departments are to be served by one (1) judge.

(b) The Pike County District Court Judge shall be elected countywide.

(c) The Pike County District Court shall have countywide jurisdiction.

History. Acts 2007, No. 663, § 51.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of

2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-954. St. Francis County District Court. [Effective January 1, 2012.]

(a)(1) St. Francis County shall have one (1) district court with five (5) departments:

(A) One (1) located in Forrest City;

(B) One (1) located in Hughes;

(C) One (1) located in Madison;

(D) One (1) located in Palestine; and

(E) One (1) located in Widener.

(2) All five (5) departments are to be served by one (1) judge.

(b) The St. Francis County District Court Judge shall be elected countywide.

(c) The St. Francis County District Court shall have countywide jurisdiction.

History. Acts 2007, No. 663, § 51.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of

2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-955. Van Buren County District Court. [Effective January 1, 2012.]

(a)(1) Van Buren County shall have one (1) district court with two (2) departments:

(A) One (1) located in Clinton; and

(B) One (1) located in Damascus.

(2) Both departments are to be served by one (1) judge.

(b) The Van Buren County District Court Judge shall be elected countywide.

(c) The Van Buren County District Court shall have countywide jurisdiction.

History. Acts 2007, No. 663, § 51.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of

2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-956. Perry County District Court. [Effective January 1, 2012.]

(a)(1) Perry County shall have one (1) district court with two (2) departments:

(A) One (1) located in Perryville; and

(B) One (1) located in Oppelo.

(2) Both departments are to be served by one (1) judge.

(b) The Perry County District Court Judge shall be elected countywide.

(c) The Perry County District Court shall have countywide jurisdiction.

History. Acts 2007, No. 663, § 51.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of

2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-957. Clark County District Court. [Effective January 1, 2012.]

(a)(1) Clark County shall have one (1) district court with two (2) departments:

(A) One (1) located in Arkadelphia; and

(B) One (1) located in Amity.

- (2) Both departments are to be served by one (1) Judge.
- (b) The Clark County District Court judge shall be elected county-wide.
- (c) The Clark County District Court shall have countywide jurisdiction.

History. Acts 2007, No. 663, § 51.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of

2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

SUBCHAPTER 10 — DISTRICT COURT RESOURCE ASSESSMENT

SECTION.

16-17-1001. Legislative findings.

16-17-1002. District Court Resource Assessment Board.

SECTION.

16-17-1003. Duties of the District Court Resource Assessment Board.

16-17-1001. Legislative findings.

The General Assembly finds that:

(1) The goal expressed by Arkansas citizens with the adoption of Amendment 80 to the Arkansas Constitution was the creation of a three-tiered, unified court system;

(2) The current structure of limited jurisdiction courts consists of a combination of full-time and part-time district and city court judges funded by city and county governments;

(3) Based on availability of local resources, the cumulative effect of the creation and funding of those courts by local governments has been an unequal level of access to and an inequitable distribution of judicial services to communities;

(4) While Amendment 80 does not require the state to fund the district court system, there is a state interest in providing a more uniform level of judicial resources to all citizens of the state;

(5) Because the current system of limited jurisdiction courts is not uniform, it is contrary to the interest of the state to merely shift the funding of the system from local government to state government without addressing the district court system's structure;

(6) A way of addressing the shortage of resources for circuit courts in some areas of the state is the expansion of the jurisdiction of the district court, which will shift cases from the circuit court to the district court and reduce expenses for the state;

(7) A state-funded district court system should include an analysis by the state that furthers the goal of a unified and equitable system for the delivery of judicial services; and

(8) It is the intent of this subchapter to begin that analysis process by establishing a pilot program that creates a limited number of state-funded district court judgeships and a process for the study and consideration of establishing additional district courts in the future.

History. Acts 2007, No. 663, § 1.

A.C.R.C. Notes. Section 19 of Amendment 80 to the Arkansas Constitution provided that all municipal courts were to become district courts on January 1, 2005, and that they should assume the jurisdiction previously vested in municipal courts, police courts, justice of the peace

courts, and courts of common pleas. Those courts were abolished by the amendment. City courts were to continue, but if abolished by the governing body of the city or by the General Assembly, the jurisdiction of the city court would then vest in the nearest district court.

16-17-1002. District Court Resource Assessment Board.

(a) There is created the District Court Resource Assessment Board.

(b)(1) The board shall consist of eleven (11) members appointed as follows:

(A) Two (2) members of the Senate appointed by the Chair of the Senate Committee on Judiciary;

(B) Two (2) members of the House of Representatives appointed by the Chair of the House Committee on Judiciary; and

(C) Seven (7) members appointed by the Supreme Court as follows:

(i) Two (2) members of the Arkansas District Judges Council;

(ii) One (1) member of the Association of Arkansas Counties;

(iii) One (1) member of the Arkansas Municipal League;

(iv) One (1) Justice of the Supreme Court;

(v) One (1) member of the Arkansas Bar Association who is engaged in the full-time private practice of law; and

(vi) One (1) circuit judge.

(2) The board shall have three (3) ex officio members who shall serve as nonvoting members:

(A) The Chair of the Senate Committee on Judiciary or his or her designee;

(B) The Chair of the House Committee on Judiciary or his or her designee; and

(C) The Attorney General or his or her designee.

(3)(A) Each member of the board shall serve a term of four (4) years.

(B) However, the initial board members shall serve terms to be determined by lot so that:

(i) Two (2) members serve an initial term of one (1) year;

(ii) Three (3) members serve an initial term of two (2) years;

(iii) Three (3) members serve an initial term of three (3) years; and

(iv) Three (3) members serve an initial term of four (4) years.

(C) A member may be reappointed successively for one (1) four-year term.

(4) If a vacancy occurs on the board, the original appointing authority shall appoint a successor to serve the remainder of the unexpired term.

(5) The board shall elect annually one (1) member to serve as chair and one (1) member to serve as secretary.

(6) The board shall meet:

(A) Initially whenever called by the Supreme Court;

(B) On or before the first Tuesday of the December before each regular session of the General Assembly to consider making a recommendation to the General Assembly for:

(i) The creation and placement of new state-funded district court judgeships;

(ii) Any redistricting of the district courts; and

(iii) The reorganization, consolidation, abolition, or creation of any district court or district court judgeship;

(C) Upon the end of the term, resignation, retirement, death, or election to another judicial office of any district judge to:

(i) Recommend the reorganization, consolidation, abolition, or continuation of that district court judgeship to the General Assembly; and

(ii)(a) Evaluate the status of the vacated district court judgeship and make a recommendation to the General Assembly before the next regular session, fiscal session, or special session or during a current session.

(b) An appointment or election to fill a vacant district court judgeship does not affect the mandatory evaluation required by subdivision (b)(6)(C)(ii)(a) of this section; and

(D) Upon the call of the chair or a majority of the board.

(7) Six (6) members of the board is a quorum for the transaction of business.

(8) Members of the board shall serve without pay, but may be reimbursed for expenses under § 25-16-902.

History. Acts 2007, No. 663, § 1; 2009, No. 962, § 35. inserted "session, fiscal session" preceding "or special session" in (b)(6)(C)(ii)(a).

Amendments. The 2009 amendment

16-17-1003. Duties of the District Court Resource Assessment Board.

The District Court Resource Assessment Board shall recommend to the General Assembly at each regular session:

(1) Criteria for the creation and placement of full-time, state-funded district court judgeships;

(2) Revisions of current district court judgeships or the redistricting of the district court districts of this state after considering:

(A) The caseload and the geographic area of the district court district;

(B) The November 25, 2002, per curiam opinion of the Supreme Court; and

(C) Any other matter the board determines to be appropriate; and

(3) The number and placement of full-time, state-funded district court judgeships.

History. Acts 2007, No. 663, § 1.

SUBCHAPTER 11 — PILOT STATE DISTRICT COURTS

SECTION.

16-17-1101. Legislative findings.

16-17-1102. Definitions.

16-17-1103. Creation of pilot state district court judgeships.

16-17-1104. Pilot state district court judges — Salaries.

16-17-1105. Consolidation of city courts with district courts.

SECTION.

16-17-1106. Salary of pilot state district court judges — Cost-sharing.

16-17-1107. Salary of judges serving city or county.

16-17-1108. Travel expense reimbursement.

Effective Dates. Acts 2007, No. 663, § 56(a): Jan. 1, 2008.

Acts 2009, No. 345, § 57: July 1, 2009. Emergency clause provided: "It is found and determined by the General Assembly of the State of Arkansas that this act is immediately necessary to coincide with the beginning of the 2009 — 2010 fiscal year to further the goal of a unified court system in order to provide judicial economy and the fair administration of justice. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on July 1, 2009."

Acts 2009, No. 356, § 2: Mar. 10, 2009. Emergency clause provided: "It is found and determined by the General Assembly

of the State of Arkansas that Alpena and Salesville were inadvertently left out of Act 663 of 2007; and that this act is immediately necessary to further the goal of unified court system to provide judicial economy and fair administration of justice. Therefore, an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on: (1) The date of its approval by the Governor; (2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or (3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto."

16-17-1101. Legislative findings.

The General Assembly finds that:

(1) The goal expressed by Arkansas citizens with the adoption of Amendment 80 to the Arkansas Constitution was the creation of a three-tiered unified court system;

(2) The current structure of limited jurisdiction courts consists of a combination of full-time and part-time district and city courts funded by city and county governments;

(3) Based on availability of local resources, the cumulative effect of the creation and funding of those courts by local governments has been an unequal level of access to and an inequitable distribution of judicial services to communities;

(4) While Amendment 80 does not require the state to fund the district court system, there is a state interest in providing a more uniform level of judicial resources to all citizens of the state;

(5) Because the current system of limited jurisdiction courts is not uniform, it is contrary to the interest of the state to merely shift the funding of the system from local government to state government without addressing the structure of the district court system;

(6) A way of addressing the shortage of resources for circuit courts in some areas of the state is the expansion of the jurisdiction of the district court which will shift cases from circuit court to district court and reduce expenses for the state;

(7) A state-funded system should include an analysis by the state that furthers the goal of a unified and equitable system for the delivery of judicial services;

(8) It is the intent of this subchapter to begin that analysis process by establishing a pilot program that creates a limited number of state-funded pilot state district court judgeships and a process for the study and consideration of establishing additional district courts in the future; and

(9) For purposes of the pilot program, cities and counties should keep one hundred percent (100%) of all their current revenue from fines and costs with the exception of the adjustment from the cost-sharing formula.

History. Acts 2007, No. 663, § 2.

A.C.R.C. Notes. Section 19 of Amendment 80 to the Arkansas Constitution provided that all municipal courts were to become district courts on January 1, 2005, and that they should assume the jurisdiction previously vested in municipal courts, police courts, justice of the peace courts, and courts of common pleas. Those courts were abolished by the amendment. City courts were to continue, but if abolished by the governing body of the city or by the General Assembly, the jurisdiction of the city court would then vest in the nearest district court.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act

are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-1102. Definitions.

As used in this subchapter:

- (1)(A) "District court" means a court created under § 16-17-901 et seq.
- (B) "District court" includes a department of a district court;
- (2) "Pilot state district court judge" means a full-time judge:
 - (A) Whose salary is paid by the state;
 - (B) Who is not engaged in the private practice of law; and
 - (C) Who is available for work in circuit court under rules adopted by the Arkansas Supreme Court; and
- (3) "Pilot state district court judgeship" means a district court that has:
 - (A) Criminal jurisdiction, as established by the General Assembly; and
 - (B) Civil jurisdiction, as established by the Arkansas Supreme Court.

History. Acts 2007, No. 663, § 2.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

"(a) Sections 2 through 15 of this act are effective January 1, 2008.

"(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

"(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

"(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of

2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

"(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009."

16-17-1103. Creation of pilot state district court judgeships.

(a) There are established twenty-five (25) pilot state district court judgeships.

(b) The following counties or judicial districts of a county and the towns and cities in that county or judicial districts of a county in which a district court is located shall participate in a program of full-time pilot state district court judges:

- (1) Baxter;
- (2) Benton;
- (3) Boone;
- (4) Cleburne;
- (5) Greene;
- (6) Independence;
- (7) Miller;
- (8) Mississippi — Chickasawba District;
- (9) Poinsett;
- (10) Pope;

(11) Pulaski — Jacksonville District Court; North Little Rock District Court, Department 1 and Department 2; and Pulaski County District Court;

(12) St. Francis;

(13) Saline;

(14) Sebastian; and

(15) Union.

History. Acts 2007, No. 663, § 2; 2009, No. 345, § 3.

Amendments. The 2009 amendment substituted “twenty-five (25)” for “nineteen (19)” in (a); and in (b), inserted (b)(4), (b)(11), and (b)(12), and redesignated the remaining subdivisions accordingly.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-1104. Pilot state district court judges — Salaries.

(a) The pilot state district court judges who serve the judgeships created under § 16-17-1103 are state district court judges.

(b) The salaries of the pilot state district court judges shall be paid with moneys appropriated by the General Assembly.

History. Acts 2007, No. 663, § 2; 2009, No. 345, § 4.

Amendments. The 2009 amendment substituted “16-17-1103” for “16-17-1003” in (a).

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is

effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-1105. Consolidation of city courts with district courts.

(a) The city courts located in the following cities or towns shall be consolidated with district courts:

(1) Alexander;

(2) Alpena;

(3) Atkins;

(4) Barling;

- (5) Bauxite;
- (6) Bethel Heights;
- (7) Briarcliff;
- (8) Cave Springs;
- (9) Centerton;
- (10) Central City;
- (11) Concord;
- (12) Cotter;
- (13) Dell;
- (14) Dover;
- (15) Gassville;
- (16) Gosnell;
- (17) Gravette;
- (18) Greers Ferry;
- (19) Haskell;
- (20) Hughes;
- (21) Lakeview;
- (22) Leachville;
- (23) Little Flock;
- (24) London;
- (25) Lowell;
- (26) Madison;
- (27) Manila;
- (28) Marmaduke;
- (29) Norfolk;
- (30) Palestine;
- (31) Pea Ridge;
- (32) Pottsville;
- (33) Quitman;
- (34) Salesville;
- (35) Shannon Hills;
- (36) Sulphur Springs;
- (37) Weiner; and
- (38) Widner.

(b) Each city court under subsection (a) of this section:

(1) Is consolidated with the pilot state district court having jurisdiction over the geographical area of the abolished city court;

(2) Shall continue to exist as a department of that pilot state district court unless abolished by town or city ordinance; and

(3) Is redesignated as the “_____ District Court, _____ Department”.

(c) Under the Arkansas District Courts and City Courts Accounting Law, § 16-10-201 et seq., each department of a pilot state district court shall maintain a docket and set court dates for hearing that docket in the town or city unless the district court and the town or city in which the department is located agree otherwise.

(d)(1) A town or city that operated a city court prior to January 1, 2008, and became a department of a pilot state district court under this subchapter may abolish that department by ordinance.

(2) The clerk of the town or city shall send a copy of the ordinance issued under subdivision (d)(1) of this section to the Administrative Office of the Courts.

(3) After a department has been abolished under subdivision (d)(1) of this section:

(A) The nearest district court in the county shall exercise jurisdiction over the geographical area of that abolished department;

(B) The abolished city court shall transfer all its papers and records to the court described in subdivision (d)(3)(A) of this section; and

(C)(i) All of the following existing on January 1, 2008, shall continue unaffected unless otherwise affected by this subchapter:

- (a) Actions;
- (b) Appeals;
- (c) Causes of action;
- (d) Civil proceedings;
- (e) Criminal proceedings;
- (f) Decrees;
- (g) Judgments;
- (h) Liabilities;
- (i) Orders;
- (j) Prosecutions;
- (k) Regulations;
- (l) Sentences;
- (m) Suits; and
- (n) Writs.

(ii) A suit or prosecution of any kind or nature shall not abate as a result of this subchapter.

(4) A town or city may not reinstate a department of district court that has been abolished under subdivision (d)(1) of this section.

History. Acts 2007, No. 663, § 2; 2009, No. 345, § 5; 2009, No. 356, § 1.

A.C.R.C. Notes. Section 19 of Amendment 80 to the Arkansas Constitution provided that all municipal courts were to become district courts on January 1, 2005, and that they should assume the jurisdiction previously vested in municipal courts, police courts, justice of the peace courts, and courts of common pleas. Those courts were abolished by the amendment. City courts were to continue, but if abolished by the governing body of the city or by the General Assembly, the jurisdiction of the city court would then vest in the nearest district court.

Amendments. The 2009 amendment by No. 345, in (a), inserted (a)(10), (a)(17), (a)(19), (a)(25), (a)(29), (a)(32), and (a)(36), and redesignated the remaining subdivisions accordingly; deleted (b)(4); inserted

“and City Courts” in (c); and made related and minor stylistic changes.

The 2009 amendment by No. 356 inserted (a)(2) and (a)(28), and redesignated the remaining subdivisions accordingly.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-1106. Salary of pilot state district court judges — Cost-sharing.

(a) The state shall pay the salary and benefits of pilot state district court judges created under this subchapter.

(b)(1)(A) Each county and town or city that has a pilot state district court judgeship created under this subchapter shall pay to the state an amount equal to its proportionate share of one-half (1/2) of the base salary established by law for that county and town or city’s pilot state district court judge.

(B) On a form provided by the Administration of Justice Fund Section of the Office of Administrative Services of the Department of Finance and Administration, each county and town or city shall certify annually on or before October 31 the amount to be paid to the state for its share of one-half (1/2) of the salary established by law for its pilot state district court judge.

(2)(A) Nothing in this section prohibits a county and town or city that has a pilot state district court judgeship created under this subchapter from agreeing in writing on the amount to be paid to the state by the county and the town or city for its proportionate share of one-half (1/2) of the salary established by law for its pilot state district court judge.

(B) If a written agreement is reached under subdivision (b)(2)(A) of this section, the county and town or city shall submit on or before October 31 a copy of that written agreement to the Administration of Justice Fund Section.

(c) The amount of the pilot state district court judge’s salary paid by the county and the town or city for calendar year 2008 and annually afterwards shall be the amount determined under subsection (b) of this section.

(d)(1) Beginning with its annual meeting of 2007, the quorum court in each county that has a pilot state district court judgeship created under this subchapter and the council in each town or city that has a pilot state district court judgeship created under this subchapter shall appropriate annually from its general revenues an amount sufficient to pay its share of the pilot state district court judgeship salary allocated to it under subsection (b) of this section.

(2) The duty under subdivision (d)(1) of this section may be enforced in a court of competent jurisdiction.

(e) On or before December 15, 2007, and annually afterwards, the Administration of Justice Fund Section shall certify to the county and the town or city the amount of its share of one-half (1/2) of the base salary established by law for that county and town or city’s pilot state district court judge.

(f) On or before January 15, 2008, and annually afterwards, the county and the town or city shall remit to the Administration of Justice

Fund Section for deposit in the Constitutional Officers Fund the sum necessary to fund its share of the base salary allocated to it under subsection (e) of this section.

History. Acts 2007, No. 663, § 2.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of

2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-1107. Salary of judges serving city or county.

Nothing in this subchapter shall in any way limit the power and authority of other district courts currently existing. Except for the pilot state district court judgeships created under this subchapter, a judge serving in another full-time or part-time district court position shall continue to be an employee of the cities or counties, or both, that he or she serves and shall be paid according to state law.

History. Acts 2007, No. 663, § 2.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of

2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-1108. Travel expense reimbursement.

From the appropriation provided for the expenses of pilot state district court judges, a pilot state district court judge is authorized to be reimbursed for those travel expenses at the rate as authorized for state employees and for mileage at the rate established in the state travel regulations for state employees while traveling within the state in the performance of their official duties.

History. Acts 2009, No. 345, § 6.

SUBCHAPTER 12 — CITY COURT CONSOLIDATION

SECTION.

16-17-1201. Findings and intent. [Effective January 1, 2012.]

16-17-1202. Consolidation of city courts with district courts. [Effective January 1, 2012.]

SECTION.

16-17-1203. Procedure for expense cost sharing. [Effective January 1, 2012.]

Effective Dates. Acts 2007, No. 663,
§ 56(b): Jan. 1, 2012.

16-17-1201. Findings and intent. [Effective January 1, 2012.]

(a) The General Assembly finds that:

(1) The intent of Amendment 80 to the Arkansas Constitution was to create a unified court system to provide judicial economy and a fair administration of justice;

(2) The judicial system in this state should be composed of three (3) tiers to accomplish the intent of Amendment 80 to the Arkansas Constitution:

(A) Appellate courts to be composed of the Supreme Court and the Court of Appeals;

(B) General jurisdiction trial courts to be composed of the circuit courts; and

(C) Limited jurisdiction courts to be composed of the district courts;

(3) The city courts of this state should be consolidated with district courts in order to provide judicial and administrative functions in limited jurisdiction courts that are both necessary and cost-effective; and

(4) City courts provide a valuable service for the citizens of towns and cities that operate city courts and also revenue for those towns and cities and for this state. However, many towns and cities provide law enforcement officers for the safety of citizens but do not operate a city court.

(b) It is the intent of the General Assembly that a town or city that has operated a city court is to continue to receive revenue from cases that originate in its town or city limits and to establish a procedure to allow a town or city that has never operated a city court but that now or in the future may have law enforcement officers to be able to receive a portion of the revenue from cases that originate in its town or city limits.

(c) It is also the intent of the General Assembly that this subchapter will consolidate all limited jurisdiction courts in the state as of January 1, 2012.

(d)(1) On January 1, 2012, the district courts shall be regarded as a continuation of the city courts now existing.

(2)(A) All papers and records pertaining to the city courts shall be transferred to the appropriate district courts and no suit or prosecution of any kind or nature shall abate because of any change made by this subchapter.

(B) Except as modified in accordance with this subchapter, any of the following existing on January 1, 2012, shall continue unaffected:

- (i) A writ;
- (ii) An action;
- (iii) A suit;
- (iv) A proceeding;
- (v) Civil liability;
- (vi) Criminal liability;
- (vii) A prosecution;
- (viii) A judgment;
- (ix) A decree;
- (x) An order;
- (xi) A sentence;
- (xii) A regulation;
- (xiii) A cause of action; and
- (xiv) An appeal.

History. Acts 2007, No. 663, § 16.

A.C.R.C. Notes. Section 19 of Amendment 80 to the Arkansas Constitution provided that all municipal courts were to become district courts on January 1, 2005, and that they should assume the jurisdiction previously vested in municipal courts, police courts, justice of the peace courts, and courts of common pleas. Those courts were abolished by the amendment. City courts were to continue, but if abolished by the governing body of the city or by the General Assembly, the jurisdiction of the city court would then vest in the nearest district court.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act

are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-1202. Consolidation of city courts with district courts. [Effective January 1, 2012.]

(a) As used in this subchapter, “district court” shall include a department of a district court.

(b)(1) Effective January 1, 2012, all city courts shall be consolidated with district courts and continue to exist as departments of district courts unless a city court is abolished by town or city ordinance pursuant to this subchapter.

(2) A city court formerly known as the “_____ City Court” shall be redesignated as the “_____ District Court, _____ Department”.

(c)(1) A district court that has a department or departments shall maintain a docket in each department and set court dates for hearing the docket in the town or city in which the department is located, as required by the Arkansas District Courts Accounting Law, § 16-10-201 et seq.

(2) By common agreement, a district court and the town or city where the department of the district court is located may provide locations and dates for hearing the docket.

(d)(1)(A) A town or city that prior to January 1, 2012, operated a city court that becomes a department of a district court may by ordinance of the town or city in which the department is located abolish the department of district court.

(B) A copy of the ordinance abolishing the department of a district court shall be sent to the Administrative Office of the Courts.

(2)(A) On and after the effective date of the ordinance abolishing the department of a district court, the nearest district court in the county shall be regarded as a continuation of the department of district court that was abolished. The transfer of administration shall be pursuant to § 16-17-1101.

(B) All papers and records pertaining to a department of a district court abolished by ordinance shall be transferred to the appropriate district court, and no suit or prosecution of any kind or nature shall abate because of any change made by this subchapter.

(C) Except as modified in accordance with this subchapter, any of the following existing on the effective date of the ordinance abolishing the department of a district court shall continue unaffected:

- (i) A writ;
- (ii) An action;
- (iii) A suit;
- (iv) A proceeding;
- (v) Civil liability;
- (vi) Criminal liability;
- (vii) A prosecution;
- (viii) A judgment;
- (ix) A decree;
- (x) An order;
- (xi) A sentence;
- (xii) A regulation;
- (xiii) A cause of action; and
- (xiv) An appeal.

(e) No town or city shall have the authority to reinstate a department of district court abolished by ordinance.

History. Acts 2007, No. 663, § 16.

A.C.R.C. Notes. Section 19 of Amend-

ment 80 to the Arkansas Constitution provided that all municipal courts were to

become district courts on January 1, 2005, and that they should assume the jurisdiction previously vested in municipal courts, police courts, justice of the peace courts, and courts of common pleas. Those courts were abolished by the amendment. City courts were to continue, but if abolished by the governing body of the city or by the General Assembly, the jurisdiction of the city court would then vest in the nearest district court.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52

through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

16-17-1203. Procedure for expense cost sharing. [Effective January 1, 2012.]

(a)(1) Any town or city that has a police department but does not have a district court may contribute to the operational expenses of the nearest district court in the county where the town or city is located pursuant to a written agreement entered into between the governing body of the town or city and the governing bodies of the political subdivisions that contribute to the operational expenses of the district court.

(2)(A) The contribution to the operational expenses of a district court described in subdivision (a)(1) of this section shall be a prorated amount based on the number of cases filed in the district court from each of the towns and cities and the county during the preceding calendar year.

(B) The prorated amount of operational expenses shall apply to all fines, fees, and costs not obligated under law that are collected pursuant to § 16-13-701 et seq. in all:

(i) Nontraffic cases that are misdemeanors or violations of a town or city ordinance;

(ii) Cases that are misdemeanors or violations under state law; and

(iii) Traffic offenses that are misdemeanors or violations under state law or town or city ordinance committed within the corporate limits of a town or city that is a party to an agreement described in subdivision (a)(1) of this section.

(b) Apportionment of the costs of a district court shall be by order of the district court upon certification of the cases filed by the clerk of the district court.

(c) On and after the effective date of the agreement described in subdivision (a)(1) of this section, all fines, fees, penalties, and costs received by a town or city that is a party to the agreement shall be collected and distributed in the manner provided by laws affecting district courts.

History. Acts 2007, No. 663, § 16.

Effective Dates. Acts 2007, No. 663, § 56, as amended by Acts 2009, No. 345, § 7, provided:

“(a) Sections 2 through 15 of this act are effective January 1, 2008.

“(b) Sections 16 through 50 and 52 through 55 of this act are effective January 1, 2012.

“(c) Section 51 of Act 663 of 2007 is effective January 1, 2012, except:

“(1) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of

2007 as 16-17-933, establishing the Cleburne County District Court and departments of that court, codified as § 16-17-936 is effective July 1, 2009; and

“(2) That portion of Section 51 of Act 663 of 2007 that is referred to in Act 663 of 2007 as 16-17-950, establishing the St. Francis County District Court and departments of that court, codified as § 16-17-954 is effective July 1, 2009.”

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